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December 1993
Number 38

FIRST THINGS

A Monthly Journal of Religion and Public Life

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James Nuechterlein

Discovering the American Aristotle

Edward T. Oakes

The Nine Lives of Population Control

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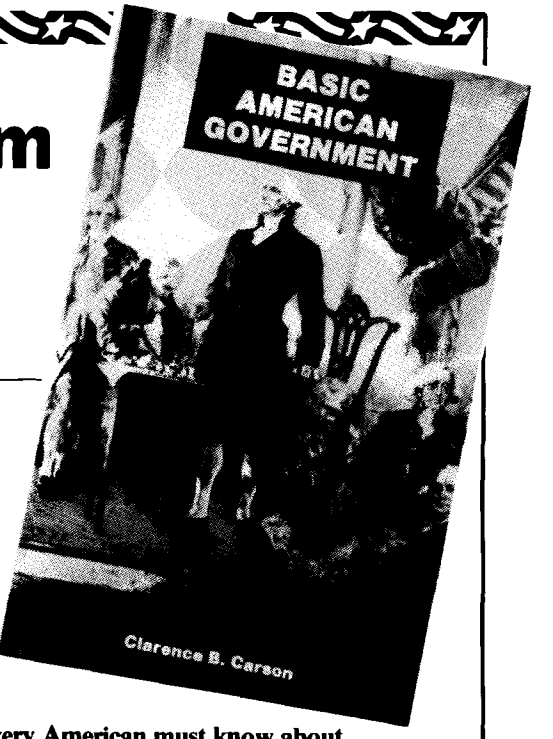

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FIRST THINGS

A Monthly Journal of Religion and Public Life

DECEMBER 1993 • NUMBER 38

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More on Berger's God

Peter Berger's "God in a World of Gods" (August/September) illustrates how quickly a Christian may pour out the baby with the bathwater if he is willing, for the sake of "political correctness" and "multiculturalism," to make concessions on the chief points of apostolic Christianity. Mr. Berger asks, "If God was in Christ, could He also have been in other human bearers of revelation," *for example, "an unknown Christ of* Hinduism?" Then he goes on to assure us that a question like that is not to be "answered conclusively in this world." So first he asks if we would consider the Incarnation as a repeatable, impermanent outpouring of the divine presence into a human being, and then he says dogmatically that we can never know for sure that there were not many other such Christs.

Now this amounts to saying that the Apostles' Creed can be chucked out, because the Creed *does* answer the question conclusively for Christians. The Apostles teach that the Incarnation is unique: God the Son *became* this man Jesus Christ once and forever, since He alone will judge the living and the dead in the end when time meets eternity. If a Christian were to follow Mr. Berger's lead and regard the uniqueness of the Incarnation as simply one more pawn to be yielded in the chess game of interfaith dialogue, there would be instant checkmate: the dialogue would cease for the simple reason that there would no longer *be* a Christian.

When Mr. Berger explains how nonbelievers in the Orient might be scandalized by the crude "historical particularity" of God's Incarnation as a Jew, he seems to forget that the ancient peoples of Greece and Rome had that stumbling block in reverse, in Jesus' "Oriental" heritage. However, it seems to me that it is Mr. Berger who is scandalized by a faith that seems to fall so short of the fashionable "multiculturalism." He would willingly defend a Jesus who was one of the "many *avatars* of God," but the Jesus who is the unique Logos and Judge makes him blush. His rainbow-Jesus, in so many ethnic replications, would surely delight a savvy Roman Emperor like Julian. Yes, the "inclusivist" approach Mr. Berger "opts for" in practice comes to the same thing as what used to be called apostasy. I'm glad the ante-Nicene Fathers managed interfaith dialogues with more care for the Baby.

Anne Barbeau Gardiner
City University of New York
New York, NY

Though I have appreciated Peter Berger's contributions and thoughts for many years, I would like to respond to his apparent direction in this article.

I agree with Mr. Berger that the Christian should be affirmed in his loving those who are not Christians (and loving without the ulterior motive of loving them only so that they'll become Christians—but rather loving unconditionally, even though one still wants them to become Christian). The Christian should even appreciate others for who they are and affirm their goodness, regardless of their religious beliefs. But working as hard as Mr. Berger does to include them in a large circle of truth, spending such effort trying to find biblical truth within their religious beliefs and structures, certainly seems to be odd [for a Christian thinker].

Has Mr. Berger forgotten that Christianity is based on an exclusivity, and that while the mystical element (Rudolf Otto's *mysterium tremendum* or "awesomeness of God") is certainly a part of the true worship of the Judeo-Christian God, as Christians we believe this common religious experience to be a part of God's natural revelation as mentioned in Romans 1:18-20 and not something needed to be added? Those religions that have built systems upon this experience alone (without objective revelation) seem to have either built upon their own conjectures or have possibly followed the leading of some angel-gone-

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astray who is trying to distort truth in God's system (Moroni, et al.). . . .

(The Rev.) Jack Hafer
Aliso Creek Presbyterian Church
Aliso Viejo, CA

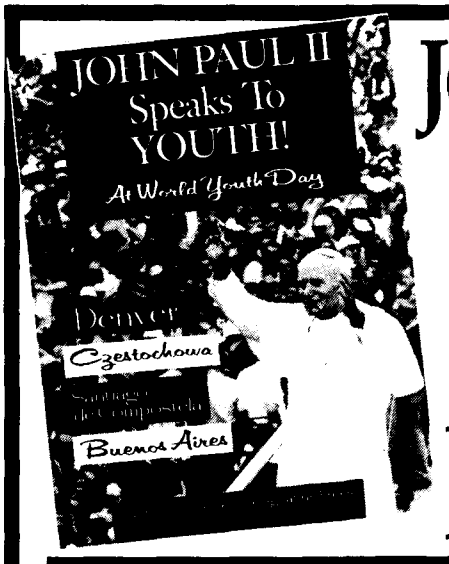
The Court on Abortion

I commend Russell Hittinger on his excellent article, "When the Court Should Not Be Obeyed" (October). As Mr. Hittinger noted, the United States Supreme Court in *Casey v. Planned Parenthood* held that states could not place an "undue burden" on a woman's right to an abortion. Unfortunately, *Casey* may not mark an end to the expansion of abortion rights in this country. Two other events may serve to further institutionalize the slaughter of the unborn.

First, although *Casey* did, in Mr. Hittinger's words, "leave a few crumbs of the abortion issue on the plates of state legislatures," the Freedom of Choice Act of 1993 (FOCA), would wipe those plates clean. FOCA, which now has 41 sponsors in the Senate and 138 in the House, provides that a "State may not restrict the freedom of a woman to choose whether or not to terminate a pregnancy before fetal viability." Except for "involving" parents or guardians in a minor's abortion decision, the states would be powerless to restrict most abortions. *Casey*'s "undue burden" test goes the way of dirty dishwater. Given its support in both Congress and the Administration, FOCA may well become law.

Second, abortion rights advocates like Sen. Barbara Boxer (D-Cal.) are urging President Clinton to include "abortion services" in his national health plan. Abortion advocates gleefully remind the President that, under the plan, abortion services would be funded out of private, not federal, funds. The Administration, in the name of providing the fullest possible range of insured medical services, supports the idea. While there will be some Congressional debate on this issue, it is likely that the Administration will get its way. History has taught us that the American public will accept what it perceives to be a lesser evil (in this case, abortion) for a greater good (in this case, controlling health costs while providing insurance to all). . . .

If these two measures are adopted in their present form, abortion will become an inviolable federal right affordable to all women through national insurance. And, what is worse, other life-related rights may start to slide down the drain. In the name of providing ever more comprehensive medical services, the government may eventually expand insurance coverage to include contraceptive implants, abortifacient pills, euthanasia, or any other medical procedure that involves the prevention or destruction of human life. . . . If we are not vigilant, Mr. Clinton's Bold New America may come to resemble



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Huxley's Brave New World.

Timothy J. Donnelly
Newport Beach, CA

Russell Hittinger does not explain what it means not to obey the Court with reference to the right to abortion.

Moreover, his opposition to *Roe* and *Casey* is based on the assumption that early fetuses are persons, a view that has many adherents but that lacks serious support from science or history, which tend to back Aquinas' view that ensoulment can occur only after a certain amount of fetal development.

Pro-choice and anti-choice people should join in finding ways to greatly reduce the number of unintended and problem pregnancies. That task would unite rather than divide.

Edd Doerr
Executive Director
Americans for Religious Liberty
Silver Spring, MD

In Defense of Monasticism

In his fine review essay, "Evangelical Theology in Crisis" (October), Edward T. Oakes, S.J. implies that he accepts as valid the Protestant critique of medieval Catholic religion: "elitist" monks and nuns followed the evangelical counsels of poverty, celibacy, and obedience to a superior while everyone else followed the evangelical precepts (love of God and neighbor).

I have spent many years studying medieval monasticism and am convinced that the medieval "society of orders" in which some worked for all, some prayed for all, and some ruled and warred for all was communitarian and interdependent rather than "elitist" in the modern pejorative sense. Until the rise of the mendicant friars in the thirteenth century, monastic writers did not generally claim superior merit for their way of life; rather, they claimed their Rule-bound life was more free of anxiety for those who recognized their weakness, utter sinfulness, and need for a crutch. Monastic writers believed that all Christians are called to the same life of faithfulness, whether they live as enclosed monastics or lay people in the world. Monastic writers praised those who succeeded at living the life of Christian faithfulness outside the monastic rule but they also warned them to be sure they were up to the challenge, since, without the help of a Rule and the fatherly interpretation of a spiritual guide to whom one had to render account, devout lay people often failed to persevere.

The charges of elitism (enunciated forcefully by Lorenzo Valla in the fifteenth century) reversed the mendicant claims to superiority. Valla insisted that the devout layperson's faithfulness is more meritorious than the same level of faithfulness by a monk because the monk leans in weakness on his own crutch of the Rule whereas the lay person heroically does it on his own. At the heart of Valla's challenge and that of later Protestants, including Luther's *Judgment on Monastic Views*, is a new concept of liberty that assumes a more subjectively formed, more independent, and less relational self than the socially formed, role-playing personhood of medieval Christian culture permitted.

The "society of orders" seems to have begun to disappear by Valla's time. No longer could one person vicariously do something for another (fight, govern, work, pray). Four hundred years later we arrive at bourgeois egalitarianism: each person must fight, each must earn his own living, each must walk the sawdust trail, each must govern (of the people, by the people, for the people). While today we might be inclined to applaud this democratization and castigate "elitism," we have to remember the price that came with it, individualism and growing alienation: I can and must do it all myself. Even the leisured wealthy must give the impression that they work with their hands. Priestly mediation becomes intolerable; sacrament-centered religion is attenuated in Protestantism in general and is totally rejected by the Radical Reformation. (I have attempted to describe and interpret medieval monasticism along the lines alluded to here in my book *Fifteenth-Century Carthusian Reform* [E. J. Brill, 1993].)

These issues lie behind David Schindler's critique of George Weigel and Michael Novak in *Communio* during the past few years. Your readers may wish to give some thought to them as they assess the role of religion in American public life. It is easy to take potshots at medieval elitism and hierarchy from the perspective of modern democracy. Somehow we must, with John Paul II, affirm freedom in the modern world without sacrificing the mediated, sacramental heart of Christian religion. Whatever abuses of hierarchy and elitism may have taken place at various points in medieval Christendom (and there were plenty of them), the distinction between evangelical counsels and precepts and the monastic spirituality that grew from that distinction should not, in my view, be numbered among them. . . .

Dennis Martin
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Loyola University
Chicago, IL

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Opinion

Signs and Wonders

Alan Jacobs

A few years ago, I joined a group of people who were keeping a lengthy vigil over a dying man. He was a priest and a teacher, a man of great passion, who loved and was loved deeply. Cancer of the bone marrow was racking his body; heavy medication could not hold off the ceaseless tides of pain. That he was confined to a hospital bed made everything worse. Over a period of weeks we took half-nights with him in an informal rotation, helping him go to the bathroom, bringing him water, but most of the time—if my watch was typical—just sitting in a chair, positioned in the wedge of light that comes from the corridor through the half-opened door, trying unsuccessfully to read. Whenever I looked at him lying in his dim corner of the room I couldn't help thinking that the cancer had made him younger: he was thinner, of course, but not yet wasted, and his hair was rumpled like a boy's. The creases in his face, his mottled skin, were obscured by the darkness. I could almost imagine that I was merely sitting up with a sick child, one who would soon recover and resume his games and laughter.

Once, at about two in the morning, he raised his head from the pillow and looked at me for a few moments. I thought he might be wondering who was there, since he had had so many companions—which may have been reassuring (we hoped so) but was certainly confusing. "Is there anything I can do for you, Joe?" I asked. "Just pray, Alan," he whispered—so he *did* know who I was—and laid his head back on the pillow.

I did attempt to pray, of course, leaning forward and closing my eyes, but my concentration lapsed; I was still wondering why he had raised his head to look at me. And I was also wondering—conventionally but inevitably—why this good, kind man was suffering so. After a few moments I lifted my own head, and as I did a glint of light pricked the corner of my right eye. I turned and saw, on the table a few feet away, a flower arrangement, from which rose a balloon. The balloon was printed on one side with an absurdly familiar image, a bright yellow smiling have-a-nice-day face; the obverse was made of silver foil. It was that foil, caught by the slant of light from the door, that I had seen. Just as I looked up, the barely perceptible currents of the air conditioner touched the balloon; the smiling face, which had been turned toward Joe, now rotated, gravely and formally, until the face was pressed against the wall. If Joe, who was for the moment lying on his back, had opened his eyes, he would have seen the reflection of his broken body in the balloon's cheap and silly mirror.

To a man who wanted his son healed, Jesus said, "Except you see signs and wonders, you will not believe." I too desired signs and wonders, but this ludicrous spectacle? It was simultaneously banal and grotesque, or rather grotesque in its banality; it was wholly unsuited to comprehend or to represent the enormity of what was going on in that room; it was what one might expect from the pen of a high school junior in his first creative writing class; above all, it was unworthy of God. Better no sign at all than this foolishness, no answer at all than this travesty of revelation.

My face flushed with resentment, even anger. Thinking back on that moment now, it seems to me that what angered me most of all was the transparency of the symbol: any fool could read it. My training as a teacher of literature, which among other things is training in the interpretation of symbols, was scarcely needed here. Still, I found myself elaborating, bringing to bear on a nonexistent hermeneutical problem an array of pointless and common illustrations from Bible, prayer book, and literature. God had turned his back on Joe; the Lord would *not* make his face shine upon Joe, would *not* lift up his countenance upon him, or give him peace. And if Joe sought to see God's face, he would see only his own sad and ravaged one—however imperfectly, and through a glass (a silver foil glass) darkly. If he were granted anything, it would be self-knowledge: his battle with cancer was, in the old Greek term, an *agon*, in which the essential contest was not with one's opponent but with oneself and one's limitations.

As such notions marched through my mind—just as they might had I been preparing for a Lit 101 course—I chastised myself for frivolous academicism. But I couldn't help myself; that's the way I think now. I recalled Hector and Achilles, facing one another outside the gates of Troy: Hector looks upon the great shield made by Hephaestos, with its images of the civilized world of dance and harvest, law and wine, that world which he loves and which he is about to lose forever; while Achilles stares at his own armor, now worn by Hector, the visible and palpable token of his obsessive commitment to the warrior's calling. *There* were symbols that did justice to the *agon*; in the hospital room where I sat gazing blankly at a cheap balloon, were none.

When Joe died, almost a month later, his funeral suited me much better. It was held in the spare and stony church where he had ministered for many

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years; the music was, for the most part, old and beautiful; the liturgy was rooted in the most ancient traditions of the Christian faith. Here at last were the symbols adequate to the event: stone, cross, bread, wine, solemn and resonant words. We seemed appropriately distant from the dismal sterility of that hospital room.

I did not ask, from the onset of my pitiful epiphany to the conclusion of the burial rite, or indeed for a long time afterward, what need Joe had of "symbols adequate to the event" of his illness, or what comfort he could have drawn from them. He may have needed them very much, or not at all; but I didn't ask. I even forgot to keep wondering why, in one of the nights of his dying, he had struggled to lift his head and look at me. For such neglect I desire his forgiveness.

I desire it because I think differently now than I did then. Two years after Joe's death, in the same hospital in which he had suffered and I watched, my wife gave birth to a son. Slowly, then, it came to me that the multitude of cheap and tawdry symbols that accompany American births, as well as American deaths, could do nothing to reduce the dignity and the enormity of *that* event. As I sat in a room very like Joe's, in a chair indistinguishable from the one in which, however petulantly, I had received my sign, and looked at an oddly familiar arrangement of flowers accompanied by a celebratory balloon, I thought (struggling to hold my newborn son) that in fact the energy went in the other direction: the event lent *its* dignity to those symbols, and endowed them with a curious weight, a ludic solemnity, that on their own they could neither have possessed nor represented. After such an experience, the memory of my absurd revelation no longer brought anger. Now, when I remember the reflection of Joe's body in that foil balloon, I still sometimes think of Hector of the shining helm and brilliant Achilles before the walls of Troy; but the distance between the two worlds no longer seems so great, nor the comparison so frivolous.

ALAN JACOBS, *a frequent contributor to* FIRST THINGS, *teaches in the Department of English at Wheaton College.*

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"Right to Die"—Good Slogan, Fuzzy Thinking

Yale Kamisar

In recent years we have heard a good deal about the "right to die." As my colleague Carl Schneider has observed, Americans tend to think about every social problem in terms of "rights," a mode of thinking we find convenient and comfortable. And few rallying cries or slogans have been more appealing and seductive than that of the "right to die." Few are also more fuzzy, more misleading, and more misunderstood. The term has been used loosely by many people to embrace at least four different rights:

(a) the right to reject or to terminate unwanted medical procedures, including life-saving treatment (the issue presented in the famous cases involving Karen Ann Quinlan and Nancy Beth Cruzan);

(b) the right to commit suicide or, as it is often called, the right to "rational" suicide (which, in the logic of it, suggests that if a competent person comes to the unhappy conclusion that he wants to die by suicide he must "qualify" under somebody else's standards);

(c) the right to assisted suicide, that is, the right to obtain another's help in committing suicide; and

(d) the right to active voluntary euthanasia, that is, the right to authorize another to kill you intentionally and directly.

Each of these four "rights" should be kept separate and distinct. Unfortunately, many times they are not. For example, it is often said that since there is a "right" to commit suicide it follows that there is a right to assisted suicide as well—which does not follow at all.

Although one usually has the *capacity* to commit suicide, one does not have the *right* to do so. The fact that we no longer punish suicide or attempted suicide does not mean that we approve of these acts or that we recognize that "self-determination" or "personal autonomy" extends this far. The decriminalization of both suicide and attempted suicide did not come about because suicide was deemed a "human right" or even because it was no longer considered reprehensible. These changes occurred, rather, because punishment was seen as unfair to innocent relatives of the suicide and because those who committed or attempted to commit the act were thought to be prompted by mental illness.

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The judgment that there is no form of criminal punishment acceptable for a completed suicide and that the threat of criminal punishment is singularly inefficacious in deterring attempts to commit suicide does not mean that there is a "right" to commit the act. Nor does it mean that one has a justified claim that others must or should provide assistance in committing the act. Indeed, society can do something about those who aid someone else to commit suicide—and it has. Throughout our history we have directed the force of the criminal law against aiding or assisting suicide or soliciting another to do so.

Another example of confusion generated by "right to die" talk is the decision handed down by Wayne County Circuit Judge Cynthia Stephens this past May in *Hobbins v. Attorney General of Michigan.* In the *Hobbins* case, Judge Stephens equated the right to assisted suicide with the right to terminate life-sustaining medical treatment—under the rubrics "self-determination," "right to die," and the like—and struck down Michigan's three-month-old law against assisted suicide. (In June, the Michigan Court of Appeals stayed her order, thus reinstating the anti-assisted-suicide law until it decides the case on the merits.)

Judge Stephens invalidated the anti-assisted-suicide law on the basis of two rather technical Michigan constitutional provisions. But in what some would call an advisory opinion and others an alternative holding, she made it clear that had she not been able to strike down the law on a procedural ground she would have blocked its enforcement on the basis of what she called a due process right to assisted suicide. So far as I know, this is the first time any American court has recognized such a right.

Although one unfamiliar with the precedents in this area would never know it from the opinion in the *Hobbins* case, neither the 1976 *Quinlan* case nor the 1990 *Cruzan* case (the only one involving death, dying, and the "right to privacy" ever decided by the U.S. Supreme Court) nor any other case establishes an absolute or general right to die—a right to end one's life in any manner one sees fit. The only right or liberty that the so-called "right to die" cases have established is the right under certain circumstances to be disconnected from artificial life-support systems or, as many have called it, the right to die *a natural death.* Indeed, the *Quinlan* case explicitly distinguished between letting die, on the one hand, and both direct killing and assisted suicide on the other.

Many proponents of the "right to die" are quick to point out that the sanctity of life is not an absolute or unqualified value—as quick as they are slow to realize that the same is true of the so-called right they advocate. In the past two decades, we have witnessed much change in public, medical, and legal judgments about "letting die." But it is no less true today than it was twenty years ago that in Anglo-American jurisprudence active voluntary euthanasia (what used to be called "mercy killing") is murder. So far as the law on the books in every state is concerned, it does not matter that one who intentionally kills another person does so at the victim's request or that the killer's motive is to end the victim's suffering. A person cannot waive his right not to be killed; a homicide does not become excusable because the victim consented.

To be sure, some philosophers and bioethicists have forcefully argued that the right not to be killed should be waivable when a competent person decides that continued life is no longer desirable or sensible under the circumstances. But no American legislature nor any American court has bought that argument when one person directly kills another. Nor is any likely to do so in the foreseeable future.

Nor should the laws against assisted suicide be overlooked. Although Michigan's new anti-assisted-suicide law has been disparaged as an overreaction to one person, Dr. Jack Kevorkian, the Michigan law is hardly aberrational. Approximately thirty states criminalize assisted suicide (most by specific legislation, a few by making it a form of murder or manslaughter).

The fact that there is no form of punishment acceptable for a completed suicide, nor any punishment likely to deter attempts to commit suicide, does not mean that the criminal law is powerless to influence the behavior of those who assist others to die by suicide. This, at least, is the judgment of the eminent scholars who drafted the American Law Institute's Model Penal Code in the 1950s and 60s. The model code is widely regarded as the greatest criminal law reform project of this century. It criminalizes aiding or soliciting another to commit suicide, but neither suicide nor attempted suicide.

Assisted suicide is not quite the same as active voluntary euthanasia, for in the case of assisted suicide the final act, the one that brings on death, is performed by the patient himself, not his doctor (or friend or relative). But it is certainly something more than passive euthanasia. At the least, it is a bridge—the last bridge, I would say—between the termination of life-support and active euthanasia.

A number of commentators, among them Dan Brock, James Rachels, and the late Joseph Fletcher, would consider this an understatement. According to these authorities, although there is a mechanical distinction between assisted suicide and active voluntary euthanasia there is no significant, intrinsic moral difference between them. Even so, there is surely an emotional difference between the two. Assisted suicide, especially physician-assisted suicide, strikes many as less alarming than active voluntary euthanasia, and it is less widely condemned.

Thus for those who interpret the "right to die" expansively, the next step toward their ultimate goal is likely to be the establishment of a right to physician-

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assisted suicide. Those who hope to legalize active voluntary euthanasia in the end have had considerable success in overcoming resistance step by step, and the process is likely to continue.

Advocates of a right to assisted suicide may prevail at the polls (although they failed recently in California and Washington state), but they are unlikely to convince a court anytime soon that existing laws against assisted suicide are unconstitutional. (The circuit court ruling in the *Hobbins* case is an anomaly, unlikely to survive appellate review.) In the course of upholding a state's power to keep Nancy Cruzan alive over her family's objections, on the ground that she had not left clear instructions for ending life-sustaining treatment, Chief Justice William Rehnquist, who spoke for five members of the Court, pointed out that a state has an undeniable interest in the protection and preservation of human life—even the life of a person in a persistent vegetative state. He supported this assertion by noting that "the majority of States in this country have laws imposing criminal penalties on one who assists another to commit suicide." (If, as the judge in the *Hobbins* case seems to think, a majority of the Supreme Court meant to suggest that laws against assisted suicide are constitutionally suspect, it chose a strange way of doing so.)

Now, whether there is a moral distinction, and whether there ought to be a legal distinction, between active voluntary euthanasia (or assisted suicide) and "letting die" is an issue that pervades the medical ethics literature. Some have maintained that these acts are morally no different—and ought to be legally the same—because the result is the same: the patient is dead in each case. The unflinching response to this argument by Daniel Callahan, the director and cofounder of the Hastings Center, is worth quoting at length. In his new book, *The Troubled Dream of Life*, Dr. Callahan observes:

> [A]s a reality of nature, killing and letting die are causally different. . . . [T]here must be an underlying fatal pathology if allowing to die is even possible. Killing, by contrast, provides its own fatal pathology. Nothing but the action of the doctor giving the lethal injection is necessary to bring about death.
>
> . . . [O]nce a judgment has been reached about [the futility of continuing life-extending treatment], it is considered acceptable by long-standing medical tradition to stop treatment. . . . [A judgment of futility] is not, and never has been in the generality of cases, a judgment that a patient ought to be dead, or would be better off dead. It is not principally a judgment about a patient's life at all. It is, instead, a judgment about the limits of medical skills in providing further patient benefit. It is a way of saying that, because the limits of those skills have been reached, the patient may be allowed to die.
>
> To call those judgments, and the ensuing omission of treatment, "intending" death distorts what actually happens. . . . If I stop shoveling my driveway in a heavy snowstorm because I cannot keep up with it, am I thereby *intending* a driveway full of snow? . . . Since death is biologically inevitable sooner or later, not a consequence of our actions, but outside of them, we can hardly be said to "intend" death when we admit we can no longer stop it.

Callahan's arguments are persuasive, but even one unconvinced by them may still defend the distinction between active euthanasia (or assisted suicide) and "letting die" on pragmatic grounds. Two sets of beliefs are in conflict. On the one hand, we want to respect patients' wishes, relieve suffering, and put an end to excessively burdensome and seemingly futile medical treatment. On the other hand, we shrink from the concept of a life not worth living. We want to reaffirm the supreme value of life. We want to maintain the salutary principle that the law protects all human life, no matter how miserable a person appears or how worthless he may feel. In short, we want it both ways.

As Dean Guido Calabresi of the Yale Law School has pointed out, when we have to make "tragic choices," we often want it both ways. The tragic choices we have to make in the setting of death and dying are no exception. According to this view, the function of the distinction between "direct killing" (or assisted suicide) and "letting die" is not to separate deaths caused by human action from those brought about by the processes of nature. Nor is it to separate intrinsically immoral practices from permissible ones. Rather the purpose of the distinction—or at least its effect—is to have it both ways: to honor and to implement both sets of beliefs.

Over the years many who supported the "right to die" insisted that they were opposed to active euthanasia (or assisted suicide). Well, no doubt a goodly number did favor only a limited "right to die"; they meant to support, and only to support, the right to reject unwanted medical treatment. But it is fair to say that a substantial number of others who advocated the right to terminate life support viewed it only as an interim step on the road to active euthanasia.

Times have changed. What used to be called "negative" or "passive" euthanasia is now a fait accompli in modern medicine. *That* battle is over. Proponents of active euthanasia (or assisted suicide) no longer fear that open advocacy of their ultimate goals will taint the right-to-die movement. They no longer feel the need to separate active euthanasia from the passive variety for tactical reasons. As they view the matter, the time has come to upset the com-

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promise we have reached between killing and letting die—a compromise they considered convenient for a while.

In the years ahead, we will hear a good deal more about the "right to die"—along with "self-determination" and "personal autonomy." Proponents of assisted suicide and active euthanasia know a good slogan when they come across one. Unfortunately, it is much easier to chant a catchy slogan than to define it precisely or to spell out its limits. But as these proponents see it, if people confuse the right to active euthanasia with the right to terminate life support, so much the better. If people think that the right to enlist the assistance of others in committing suicide or the right to authorize some one else to kill you intentionally and directly is only another application or a slight variation of the "right to die" established in *Quinlan* and assumed in *Cruzan,* again, so much the better. As supporters of active euthanasia or assisted suicide see it, illuminating the meaning of the "right to die" or delineating its outer limits is not their problem.

They are right, of course. It is ours.

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A Foreign Policy of Avoidance

A. J. Bacevich

Does the Clinton Administration have a foreign policy worthy of the name? A recent blitz of so-called Major Foreign Policy Statements by senior Administration officials—culminating in an address to the UN General Assembly by the President himself—would have us believe so. Of the several speeches, Mr. Clinton's, predictably, attracted the most attention. Yet it is an address by National Security Adviser Anthony Lake that merits particular scrutiny. For of all these speeches it was Lake's that described in greatest detail the premises currently determining America's relations with the rest of the world. Answering charges that the Administration's irresolute handling of Bosnia, Haiti, Somalia, et al. reflected the lack of an overall strategy, Lake insisted that the responses to these crises have in fact been part of a coherent policy for dealing with the challenges of the post-Cold War era. In its first few months in office, Lake said, the Clinton team had devised a comprehensive new framework for American diplomacy. This new framework, now being unveiled for the first time, supersedes the strategy of containment rendered obsolete by the demise of the Soviet Union. According to Lake, the Administration has christened this new framework its "strategy of enlargement."

What is the substance of this new strategy? If the title of the new strategy seems infelicitous—more suggestive of edema than of creative statesmanship—it possesses the compensating virtue of being apt, frankly identifying expansion as the central dynamic of American foreign policy. And whether apt or not, the policy it names is one that might give thoughtful citizens pause.

To be sure, the enlargement that Lake has in mind is far removed from the crude imperialism of yesteryear. His proposal has nothing to do with territory acquired through purchase or conquest, with colonies or protectorates, or with enclaves and special concessions—the various mechanisms employed in earlier times to enlarge American influence in quarters as nearby as Cuba and as far afield as China. The enlargement that Lake has in mind does not rely on coercion. The *lebensraum* he seeks is strictly ideological: he wants the world to adopt America's "core values."

Given the prevailing intellectual climate, most Americans would approach with trepidation the challenge of specifying which values define the nation. To undertake such a task is to venture into a minefield of sensitivities related to politics, culture, tradition, "lifestyle," and religious belief, as well as history, real or mythic. By stripping "values" to its bare essentials, Lake seems to believe he can sidestep that minefield. In his view, when all is said and done, the essence of the American experiment is to be found in just two dimensions: a political order based on democratic principles and an economic system conducted in accordance with the dictates of free enterprise. For him, that is us.

Indeed, that is us and everyone else. For as Lake sees it, democracy and a market economy are "values that are both American and universal." When others adopt these values, it's not only good for them but also good for the United States.

More than good: essential. Lake observes that there is "no credible near-term threat to America's existence" anywhere in sight, using the word "threat" in a military sense. Yet that does not mean that Americans should rest easy. Security, it now appears, does not obtain merely from the fact that the United States has emerged from a series of twentieth-century cataclysms as the world's sole remaining superpower. To define security as invulnerability from attack is to define the term too narrowly. The collapse of the Soviet Union notwithstanding, "serious threats remain," foremost among them "sluggish economic growth"; and chief among the prerequisites for reigniting economic expansion is a world system that conducts its

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affairs in accordance with American political and economic norms. In other words, he concludes, "to the extent [that] democracy and market economics hold sway in other nations, our own nation will be more secure, prosperous, and influential. . . ." The unstated corollary to this axiom is that where these values do not prevail, American security is endangered.

Recognition of this correlation between America's own well-being and the progressive spread of American values, argues Lake, leads logically to a redefinition of the nation's "security mission." Rather than "trying to contain the spread of that big, red blob" of Soviet Communism, the United States must henceforth turn to "promoting the enlargement of the 'blue areas' of the market democracies." In short, the United States must go over to the ideological offensive.

Fortunately, he goes on, the prospects for such an offensive are most favorable: the United States now finds itself in "a moment of immense democratic and entrepreneurial opportunity." According to Lake, the peoples of the earth are wildly supportive of American political and economic principles, "billions [sic] of people on every continent" having concluded "that democracy and markets are the most productive and liberating ways to organize their lives."

Yet despite such an encouraging prospect, Lake worries that Americans may fail to seize the opportunity. Should the United States fail to act with dispatch, "we can let that moment slip away"—with throngs of democratic-minded free marketeers abandoning values fervently embraced in favor of unspecified but presumably misguided alternatives. Preventing such an outcome, therefore, requires that we "mobilize our nation in order to enlarge democracy, enlarge markets, and enlarge our future."

How does this call to national mobilization translate into concrete policies? To those wary of over-stretch, Lake offers assurances that the new strategy does not require that the United States be everywhere engaged. Rather, he would have Americans concentrate "where we can make the greatest difference." Yet once he starts tallying up targets requiring priority attention, Lake is hard to stop. The targets include the republics of the former Soviet Union, "the new democracies of Central and Eastern Europe," "the Asian Pacific," the Western Hemisphere, and large chunks of sub-Saharan Africa. (Among regions not firmly in the democratic camp, only the Persian Gulf goes unmentioned, thereby exempting oil-rich sheiks and princes who may be less than eager to move their fiefdoms into the "blue areas.") Complementing this campaign to spread the gospel of democratic capitalism, Lake would also deal sternly with "backlash states"—Iran and Iraq are singled out by name—where obstreperous strongmen suppress popular demands for freedom. American policy should aim to isolate such regimes "diplomatically, militarily, economically, and technologically." Admittedly, the United States may not be able to impose democracy on such nations, but Lake is confident that it can "steer some of them down that path."

In other words, his appetite for enlargement is a robust one indeed. In one sense, this very expansiveness suggests that his prescription for American diplomacy isn't new after all. Indeed, if we take the strategy of enlargement literally, the United States has been down this road before. Lake's rhetoric recalls the classic bromides and conceits of that strand of American foreign policy commonly associated with Woodrow Wilson. To be sure, the belief that America should exemplify certain values traces back to the earliest days of the Republic, but Wilson contributed the notion that the United States had a responsibility to export those values. With the United States today unencumbered by concern about the possibility of major war for the first time in half a century, Lake's speech sounds like a summons to neo-Wilsonian progressives to revive their self-ordained mission of orchestrating the world's triumphal procession toward a political and economic order based on American values.

Rhetoric aside, however, there is little evidence to support the view that the strategy of enlargement is Wilson's missionary idealism redux. Although the current White House team may include a contingent of dewy-eyed idealists, they are surely a minority. More to the point, nothing in the Administration's behavior thus far would suggest courage of convictions on a Wilsonian scale. Wilson's declaration in 1913 that he would "teach the South American republics to elect good men" may stand as an example of monumental hubris, but he meant what he said, as Mexico and several Caribbean republics could subsequently attest. When Wilson felt moved to "make the world safe for democracy," he spared nothing—certainly not himself or his political reputation—in his effort to make good on that stupendous claim. The record of the Clinton Administration shows no comparable degree of determination—to put it mildly. That a relative handful of casualties in Somalia should send the Administration scampering toward the nearest exit is only the most recent example.

Yet if Lake's speech is genuinely indicative of thinking in the upper precincts of the Administration, what is one to make of this strategy of enlargement? How is one to understand a vision so clearly at odds with the reality of an increasingly chaotic world and with the unmistakable reluctance of the American people to underwrite new efforts to cure that world's ills? Is the talked-about "strategy" nothing more than an exercise in expediency, stitching together scraps of policy either inherited or accumulated in office and declaring the result to be a seamless garment? Should Americans, that is, ignore Lake's

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grand pronouncements as they are accustomed to ignoring most grand pronouncements issuing from Washington?

To do so in this case would be a mistake. Even though the strategy of enlargement is likely to have few immediate consequences, it hints at the real predicament confronting the American polity. Furthermore, it testifies yet again to the lengths that the political class will go to avoid coming to grips with that predicament.

American history is replete with instances in which the United States has turned outward in search of solutions for problems originating within itself—the wars with Mexico and Spain providing two examples. The strategy of enlargement is yet another example of that phenomenon.

Neither a belief that the world is malleable nor expectations of the coming triumph of American values inspires the Clinton Administration to float this new model for American diplomacy. The strategy of enlargement springs from a sense of crisis—although not the crisis in Bosnia or Somalia or any of the other trouble spots in the news of late. Rather, the crisis to which the strategy of enlargement responds—and which the political elite seeks desperately to defer—is the deepening crisis within the United States itself.

Among the perverse benefits of the Cold War was its contribution to holding the lid on the discontents that seem an inevitable by-product of modern democratic capitalism. With the Cold War over, it becomes increasingly apparent that that lid has blown off. Evidence accumulates daily that the United States is teetering on the brink of a profound internal crisis, one that is moral and cultural as much as political and economic. Just to tick off the manifestations of this crisis is to court despondency: the presence of a large, permanent, and increasingly restive underclass in our cities; the proliferation of mindless violence; the debasing of educational standards; the destabilization of the basic family unit; the celebration of "diversity" as a guise under which to abandon the ideal of equality; the decline of common civility; the alienation of those dispirited by the shabbiness of pop culture, the emptiness of consumerism; and the cynicism and casual dishonesty of electoral politics. Occasional voices still assert that predictions of an impending day of reckoning are overwrought—but such voices are becoming increasingly rare.

The entrenched political professionals who presume to guide the nation sense that things are amiss. Yet when it comes to devising a remedy, they are at a loss—the first lady's absurd effort to tout a new "politics of meaning" being an illustration of this. Lacking the capacity to get to the heart of the problem, the politicians settle for buying time. In tried and true fashion, they promote economic growth—the prospect of a bigger pie in which all will share—as the last best hope for retarding further erosion of the social compact. Lacking the wit or the resolve to address the deeper issues, pols on both the right and left count on economic enlargement to serve as a safety valve, and they dream of a world that will forever accommodate that enlargement. Thus it is that such leading figures of the American foreign policy establishment as Anthony Lake can assert the benefit to all of a global order fashioned in the image of the United States. Thus do they cling to the pretense that American political and economic practices encompass the aspirations of this and every other people—even as the fires of ethnic and religious conflict raging around the world and the controversies roiling our own society refute that notion.

At least this much can be said: those who have complained about the importance of devising a new touchstone for American diplomacy can rest easy. Lake's declaration of a strategy of enlargement fills that bill. Alas, it would be more accurate to characterize it as a strategy of avoidance, a formula guaranteed to accomplish little except to delay briefly the bill collector's arrival at our door. When the bills finally fall due, we may well recall the strategy of enlargement—if we recall it at all—only as one more unheeded warning of the impoverished state of American politics.

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The Idol of Academic Freedom

James Nuechterlein

I

Sometime in the late summer of 1988, when I was still teaching at Valparaiso University in Indiana, I received a phone call from the Washington headquarters of the American Association of University Professors (AAUP). The official there wondered if I would be willing to serve on an AAUP investigating committee looking into a charge of breach of academic freedom brought against Concordia Theological Seminary in Fort Wayne, Indiana. The AAUP official thought I would be an ideal person to serve on this particular case. Concordia Seminary is operated by the Lutheran Church-Missouri Synod (LCMS), and Valparaiso University, although free of any official institutional affiliation with the LCMS, has since 1925, when it was purchased by individual members of the church, considered itself a Lutheran university of Missouri Synod heritage. Moreover, I had just published an essay in the *American Scholar*, "Athens and Jerusalem in Indiana," in which I had written sympathetically—if by no means uncritically—of my experience as an undergraduate and later a faculty member at VU. The AAUP official, concerned that his organization was perceived by its critics as indifferent or unfriendly to religious sensibilities, thought that appointment of someone like me, a non-disaffected Lutheran, to a case involving a Lutheran institution would be evidence of the AAUP's good faith and disinterested intentions.

My initial response was skeptical. I was not, in fact, as good an appointment for the AAUP's purposes as it thought. During the early 1970s, the LCMS had torn itself apart in a series of doctrinal conflicts that pitted conservatives against moderates (no one in Missouri would admit to being a liberal), with particular emphasis on the question of interpretation of the Bible. The conservatives, who insisted on a literal reading of Scripture, won decisively in a series of political fights at LCMS conventions that eventually resulted in an exodus of moderates from the Synod. I had sided with the moderates—and had said so in print—and despite my increasing discontent with the post-seventies drift of the moderates toward general American Protestantism, I remained a critic of the conservatives. More particularly, I had been involved in controversies with the majority faculty faction at Concordia-Ft. Wayne, which had established itself as champion of conservative orthodoxy within the LCMS. It was unlikely, in other words, that most members of the faculty at Concordia would accept me as an objective arbiter.

But in the end I relented. The AAUP's credibility did not particularly concern me one way or the other, but I did care about the larger issue at hand, and I concluded that I was in fact peculiarly situated—whatever the people at Concordia might think—to render a balanced judgment.

The case involved a Professor X, a tenured full professor, who had been dismissed by the Seminary for teaching false doctrine, specifically for contending, contrary to the official position of the LCMS, that there are no valid theological or biblical grounds forbidding the ordination of women as ministers. In addition to calling in the AAUP, Professor X had also sued the Seminary for breach of contract. The suit was eventually settled out of court, but the AAUP investigation went ahead, although the Seminary refused from the outset to cooperate, insisting that the case was a matter of church doctrine that did not concern the AAUP.

Upon investigation, the case turned out to be not as clear-cut on the issue of academic freedom for religious institutions as one might have hoped. There were, to begin with (as there so often are in such matters), questions of procedure. Professor X made a not unsubstantial case that the Seminary had proceeded

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against him in ways that violated its own and the Synod's prescribed rules, not to mention the elaborate—bordering on Byzantine—procedures called for in these matters by the AAUP.

More significantly, it turned out that Professor X and the AAUP saw the case in quite different lights, as the final report of the investigating committee—published in the AAUP's journal, *Academe*, May-June 1989—made clear (I had my name removed from the final report and in fact wrote a rather vehement dissent to it):

> It is not within the purview of the investigating committee to pass judgment on the question of whether or not Professor [X] did in fact teach what the [LCMS] would consider to be false doctrine. Professor [X] himself does not claim an absolute right of academic freedom as a member of the theological seminary faculty and, indeed, appears to accept the premise that, had he taught false doctrine, he deserved to be dismissed. From his point of view, the principal issue may be whether or not he was teaching false doctrine. From the viewpoint of the [AAUP], however, the concern is that the administration and the board of regents, in dismissing him because he expressed certain views in the classroom and in his writing that are within his area of academic competence, acted in violation of his academic freedom. The investigating committee finds that Professor [X] was indeed dismissed for reasons violative of academic freedom as enunciated in the 1940 *Statement of Principles* [*on Academic Freedom and Tenure*] and generally accepted in American higher education.

Mention of the AAUP's 1940 *Statement* draws us toward the center of the problem of the modern secular academy's attitude—as represented authoritatively by the AAUP—toward academic freedom and church-related institutions. The history of that development is an illuminating, and thoroughly depressing, tale.

The 1940 *Statement* defines academic freedom for faculty members in three categories: (1) freedom "in research and in the publication of the results"; (2) freedom "in the classroom in discussing [the professor's] subject"; and, (3) freedom "from institutional censorship and discipline" when professors "speak or write as citizens." There is, however, one apparently straightforward exception in the document to applications of that freedom, the so-called Limitations Clause: "Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of appointment." A commonsense reading of that clause would suggest that restrictions on academic freedom for religious reasons are legitimate as long as they are plainly specified when faculty are hired. It would not seem to be make sense, in other words, that a statement of rights of academic freedom specifying certain exceptions would suggest anything other than the legitimacy of those exceptions.

And so it was in practice for a long period after 1940. As late as 1965, for example, in a case involving Gonzaga University, a Jesuit institution, the AAUP's committee on academic freedom and tenure, Committee A, ruled that "satisfactory conditions of academic freedom and tenure now prevail at Gonzaga," this despite restrictions on all faculty members to "be careful not to introduce into [their] teaching controversial matter which . . . is contrary to the specified aims of the institution" and despite reserving to the University the right to dismiss nontenured faculty for "inculcation of viewpoints which contradict explicit principles of Catholic faith and morals."*

Yet it became clear within a few years thereafter that the AAUP had developed second thoughts on the matter. In 1970, the Association adopted a statement of *Interpretive Comments* on the 1940 document that included this sentence: "Most church-related institutions no longer need or desire the departure from the principle of academic freedom implied in the 1940 *Statement*, and we do not endorse such a departure." Read at face value, that somewhat curious sentence would suggest nothing more than a statement of observation and encouragement, i.e., the AAUP observes that most church-related institutions no longer feel the need to take advantage of the Limitations Clause and it supports that development. Note, however, that something further is going on here: the AAUP not only supports the trend away from restrictions on academic freedom allowed by the Limitations Clause—it refuses to endorse institutions that continue to take advantage of that clause. In other words, the original legitimacy of the Limitations Clause has now been brought into question, though without the clear repudiation of that clause that such a development would seem to call for.

The process of implicit repudiation through reinterpretation continued in the report of a 1988 subcommittee of Committee A, the substance of which report defines current AAUP policy. The subcommittee concluded that the 1970 *Interpretive Comments* "repudiated not the Limitations Clause but the interpretation of an 'acceptable' or 'indulgent' limitation." It follows then that an institution "has no 'right' under the 1940 *Statement* simultaneously to invoke the Limitations Clause and to claim that it is an institution of learning to be classed with institutions that impose no such restrictions."

* I was made aware of the Gonzaga case—and of the 1957 Supreme Court decision noted below—by Michael McConnell's "Academic Freedom in Religious Colleges and Universities," *Law and Contemporary Problems*, Vol. 53, No. 3, Summer 1990. Anyone interested in the subject of academic freedom and religious universities should consult McConnell's thoughtful essay.

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Observe the elaborate process of linguistic evasion at work here. One moves from an apparently dispassionate tautology—institutions of higher learning that invoke the Limitations Clause are different in classification from institutions that do not—to an evaluative judgment that repudiates invocation of the Limitations Clause (there can be no "acceptable" or "indulgent" limitation on academic freedom) *even while the wording of the Limitations Clause remains intact.* Thus institutions that take advantage of an explicit dispensation in an official AAUP statement are subject to disapproval and official censure for so doing. The process is nothing short of Orwellian. Religious institutions are informed that they have the continuing "right" to impose restrictions on academic freedom, but it turns out that this is a right that cannot legitimately be exercised: for an institution to avail itself of it is to remove itself from the ranks of true institutions of higher learning.

So it was with Concordia Seminary, which was added to the AAUP censure list in the case of Professor X. The LCMS "Statement of Limitations on Academic Freedom," which is included in the Concordia *Faculty Handbook,* could hardly be more clear or explicit: "Faculty members are pledged to the Scriptures as the inspired and inerrant Word of God and to the Lutheran Confessions . . . [and] are also expected to honor, to uphold, and to teach in accordance with synodically adopted doctrinal statements, which express the convictions of the fathers and brethren with whom all members of the Synod are united in their obedience to the Scriptures and Confessions." The Seminary invoked that limit on academic freedom with respect to Professor X (that it may have done so inaccurately is not here relevant). The AAUP report solemnly acknowledges "the right of Concordia Theological Seminary to set limitations . . . on what its faculty can write and say" but then immediately proclaims "that in so doing the Seminary separates itself from the community of higher education that holds academic freedom central to institutional integrity."

It bears emphasizing that, here as elsewhere, AAUP policy involves no mere exercise in neutral taxonomy, i.e., division of the academic world into institutions that restrict academic freedom and those that do not. As in the Concordia case, those institutions that do operate with restrictions are visited by the AAUP with intellectual ostracism and academic sanctions: they are officially censured and the rest of the academic community is in effect told that it should have no dealings with them unless and until they change their policies.

The AAUP policy comes down to this. It requires of theological seminaries (and all other institutions of religious higher education) an unfair and intolerable choice: legitimacy as institutions of higher education or sacrifice of their commitments to confessional loyalty. The Association has sufficient residual integrity that it is uneasy with what it has done, so it attempts to deny the contradictory bind it has imposed on religious institutions. Thus, for example, in the Concordia report it refers wishfully and vaguely to the "many theological seminaries [that] are able to define and administer their doctrinal requirements without infringing on essential elements of academic freedom" and, again, to the "many theological seminaries that have doctrinal requirements yet uphold essential elements of academic freedom." But wishing does not necessarily make things so. There *will* arise, in denominational seminaries of orthodox persuasion, those occasional hard cases in which the demands of academic freedom (as understood by the secular academy) come into conflict with requirements of confessional adherence. What then?

According to the standards established by the AAUP, to which it held Concordia Seminary, there can be but one acceptable outcome in such instances. Take an extreme, but entirely imaginable, example. According to the AAUP's understanding of academic freedom, an orthodox Christian seminary would be required to allow a professor of systematic theology to teach his or her students, the future pastors in that seminary's church body, that the doctrine of the Trinity is an absurdity or that Jesus was neither the Son of God nor risen from the dead. One wonders if even the AAUP, in all its serene secular assurance, can really mean this—that it is truly that objectively hostile to religious sensibilities and religious commitments.

II

The Concordia case, for all its paradigmatic significance, is not by itself a fully satisfactory referent for the issues involved in the problem of academic freedom and the religious university.

Start with the policy of the AAUP with respect to the interpretive history of the 1940 *Statement.* One can imagine that a great many secular academics committed to the substantive view of the AAUP—that there should be no religious restrictions on academic freedom—would nonetheless concede that the Association's handling of the issue has constituted a bad faith exercise in semantic obfuscation that does violence to the meaning of words and to the reputation of the organization that allowed that exercise to proceed. A straightforward repudiation of the Limitations Clause would solve that problem, which, for all its current practical importance, is after all irrelevant to the central issue at hand.

There is also, not incidentally, the distinction between a theological seminary and a church-related university. Most people would concede it reasonable to extend a more expansive definition of academic

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freedom to a University of Notre Dame than to a Catholic seminary preparing men for the priesthood, or to a Valparaiso University than to a Concordia Seminary. But here, unlike the case with the treatment of the Limitations Clause, the problem cannot be solved neatly. Just how expansive should that more expansive definition of academic freedom be? Should it be infinite, or, if not, where should the line be drawn?

The first thing that needs to be said here is that wherever that line is properly drawn, the decision as to the drawing of it should be made by the religious institutions involved, and not by external groups such as the government, academic accrediting agencies, or secular representatives of the professoriate like the AAUP. Religious universities, we should remember, have academic freedom rights of their own. The Supreme Court, in a 1957 decision written by Felix Frankfurter, acknowledged "the four essential freedoms of a university—to determine for itself on academic grounds who may teach, what may be taught, how it shall be taught, and who may be admitted to study." No professor, after all, is required to take a job at a religious university, and so long as the university lays out clearly in advance the restrictions it imposes, it should be free to interpret and apply rules of academic freedom according to its lights (which, to recall again, was the original position of the AAUP).

But to settle the question of right is not at all to solve the problem of prudence. Granted that religious universities have the right to limit academic freedom, the question remains: to what extent, if at all, should they do so?

The dilemma, for which no conclusive, one-size-fits-all solution can be offered, stems from the religious university's dual nature as both a community of inquiry (Athens) and a community of conviction (Jerusalem). A university, qua university, is involved in an endless and unfettered pursuit of truth, a pursuit originating in skepticism toward received truths, whereas religion, at least Christian religion, must, if it is to be true to itself, in some sense simply claim to *be* the already revealed and unsurpassable truth. The community of conviction, of religious faith, speaks necessarily of orthodoxy and heresy (after all, no heresy, no orthodoxy), terms inadmissible in the community of inquiry—though the pathology of political correctness reminds us that even the most secular of academic institutions are not immune to the inquisitorial impulse.

This Athens/Jerusalem tension has, for a very long time now, tilted overwhelmingly in the direction of Athens. Richard Hofstadter noted some forty years ago that of all the themes in the history of American higher education, "the oldest and the longest sustained is the drift toward secularism." Scholars such as James T. Burtchaell and George M. Marsden have, in these pages, described in detail the process by which higher education in America—even at universities that began as church-related institutions—drifted more and more in the secularist direction indicated by Hofstadter. The general pattern, continuing into the present, has been from specific denominational affiliation to generic Christianity to generic religiosity to outright secularity.

The dominant pressures of the modern academy point in the same direction. Faculty members at academically ambitious religious universities, socialized by their graduate training, focus their energies more on research than on teaching. As they do so, they tend to focus less on the distinct religious preoccupations of their institutions, since those preoccupations are more likely to be relevant to the classroom than to the highly specialized and particularistic tasks of scholarship. Similarly, professionally ambitious academics direct their loyalties more to the disciplines in which they work than to the institutions at which they happen to do that work. Their loyalty is to the scholarly guild and its standards and norms rather than to the concerns of their academic residence. Thus, duly socialized modern academics are inclined to insist that in matters like hiring and retention of faculty nothing other than academic promise, as defined by the norms of the relevant disciplines, should come into play. Intrusion into those matters of questions concerning religious commitment or dedication to the particular purposes of the institution comes to seem at best parochial, at worst a betrayal of the academic calling.

All this and more makes it difficult for religious universities, especially those with academic pretensions, not to let their duties to Athens reduce to the vanishing point their loyalty to Jerusalem. The clear and present danger in church-related universities today is not that they will give over the academy to the religious obscurantists and yahoos, but that, in an incremental process so subtle and gradual as hardly to be noticed, they will give up the particular religious commitments for which they presumably exist.

The point is not that the Athens/Jerusalem tension should be resolved unequivocally in the direction of Jerusalem, but that it should be maintained, and that, so maintained, it will exist in a perpetual state of irresolvable and therefore unsettling uncertainty. For most of us, any university worthy of the name will remain a place where people are involved in deep and fundamental argument with each other. That is simply—and gloriously—the nature of the place. And few Christian institutions today will find normal difficulty in letting the university be what it naturally is. Most versions of Christianity, after all, do not pretend to offer all-inclusive answers to all philosophical dilemmas and questions; they do not presume to intellectual (or even moral) compre-

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hensiveness. Most Christians—and I hope I am not simply revealing my Lutheran biases here—would remain skeptical not only of Christian physics or Christian chemistry but also of Christian economics, Christian history, or Christian political science. For most religious universities, in other words, most of their life and work most of the time will be carried on without questions of academic freedom ever arising.

Yet for almost any Christian confession worthy of the name, there remain certain fundamental issues of faith and morals, violation of which constitutes violation of the confession itself. When such issues and occasions arise, academic freedom cannot be in religious universities the trump it would be in secular institutions. And those of us who would argue for a carefully restricted demarking of those fundamental issues are nonetheless required to respect the right of other Christians to define them more expansively.

What should not be tolerated in the church-related university are those faculty members for whom religious questions are matters either of contempt and ridicule or dismissive unconcern. Religious universities justify themselves in the larger academic world by raising and contemplating questions that are not elsewhere engaged—an argument, one might say, for diversity, if that term were not so corrupted by current usage—and those who are not willing to engage such questions have no proper place there.

The hesitancy of most church-related universities to define academic freedom in terms relevant to their distinctive purposes stems from their thralldom to the reigning norms of the secular academy. And they are in thrall precisely to the degree that they aspire to respectability and prestige within the secular academic community. A Bob Jones University, after all, can maintain its radically sectarian independence because it does not care what the "respectable" academic community thinks of it. I would not for a moment suggest Bob Jones U. as a model for religious universities to follow, but I would encourage church-related institutions to keep in mind its unconcerned independence of spirit. Although I was of two minds at the time, I now fully agree with the president of Concordia Seminary, who, informed in 1988 of the AAUP's concern with the Seminary's policy on academic freedom, told the Association that its attitudes on the issue were entirely alien to the Seminary's fundamental purposes, and that the Seminary's internal affairs were, for that reason among others, none of the Association's business.

Religious universities need, if they are to confront the issue of academic freedom with neither defensiveness, obduracy, nor fear, a recovery of nerve and will. To achieve that, they need to come to terms with the history of church-related universities in America, a history of largely self-imposed subservience. The moral of the story of the decline and fall of most religious universities in this country is clear: the road from religion to secularity that most of them followed was paved with massive institutional forgetfulness and disastrous good intentions. The movement from religious commitment to secularity was the result most often not of any secularist plot but rather of a fit of absence of mind, combined with a lusting after acceptance by the secularist academic establishment. Schools that had been born Christian, that had stayed Christian, that had assumed they would always remain Christian, suddenly awoke to find they were no longer Christian, or were so far down the road past Christian identity that it was too late to recover. The historical record shows that the critical steps down the slippery slope to secularity were almost always initiated by administrators and faculty members who did not intend secularity at all. They wanted to improve their institution's academic standing, to move beyond sectarianism, parochialism, and church control in the direction of greater acceptance in the scholarly community. Almost all of the formerly Christian institutions that capitulated to secularity lost their religious identity incrementally and by inadvertence, not by one critical step or by conscious policy.

The question of academic freedom for religious universities needs to be understood in the light of this history. The response to that history should not be one of defensive protectiveness, but of a certain serenity of conviction. The fundamental issue for the preservation of religious distinctiveness in American higher education is whether, given the message of modernity, any such serenity is still intellectually available.

For those of us who believe that it is, who are persuaded that the secular enlightenment model does not exhaust authentic ways of knowing, the opportunities for religious universities to define their own norms of academic freedom may be seen not as negative requirements but as positive occasions for affirmation of their distinctive visions and purposes. The religious university, after all, sets its own rules of academic freedom not in order to restrict the pursuit of truth by those within its walls but to affirm those higher truths that determine its existence in the first place. In contradistinction to the secular academy, the religious university's controlling norm is not radical individual autonomy. It is rather that suggested by C. S. Lewis. "I was not born to be free," Lewis said, "I was born to adore and to obey." It is in their freely assumed responsibilities to adore and to obey that religious communities, and the religious universities they establish, find their reasons for being. And it is in light of their reasons for being—and without regard to the arrogant intrusions of the secular academy—that religious universities should frame their policies on academic freedom. FT

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The Nine Lives of Population Control

Midge Decter

The idea of population control—perhaps even the idea of population itself—seems to have come into circulation somewhere around the beginning of the nineteenth century. The Western world was in what is called "demographic transition," i.e., the ratio of people being born to those dying was growing larger each year. Actual numbers for the period are somewhat speculative, but it is said that between 1650 and 1850 the world's population had more than doubled. The key element, according to Paul and Anna Ehrlich (in *The Population Explosion*, 1990), was a marked decline in the death rate: at the beginning of the period in agrarian societies without modern sanitation and medicine annual death rates of thirty-eight or more per thousand were characteristic, while by the nineteenth century in certain European countries and North America the death rate had gone down to thirty per thousand and below. The reason for this development is clear. The industrial revolution, wherever its sway extended, was providing more and more people with better housing and nutrition and, even more important, making possible new and effective systems of public sanitation.

Curiously, however, there is no record, neither in the literature nor in the social comment of the period, of any celebration of this development. No doubt the relatively sudden shift to a predominantly urban existence had created a widespread sense of social dislocation. In Britain and Western Europe, for example, simple crowding must have become palpable for people whose population had doubled and was in the process even more rapidly of doubling again. In 1798 Thomas Malthus had famously put it about that while population was increasing exponentially, the earth's food supply could at best be increased only arithmetically; thus should war and pestilence fail to contribute adequately to the limiting of population and thereby forestall universal famine, "moral restraint," as he put it, would have to be applied. Moreover, especially in England, where it can be said that the industrial revolution was given birth, many people must have begun to shudder along with William Blake at the sight of their villages and towns giving way before the spread of all those "dark, satanic mills."

But something else was also dampening any possible stray gratitude for the benefits of better health and longer life. Industrialism was proving to be frighteningly promiscuous in its bestowal of benefits: just as mere millers and brewers and manufacturers were overtaking the landed gentry in wealth and power, the increase in the number of the poor made possible by improved rates of survival was lending ever greater significance—political as well as social—to their presence in society. So significant had this presence indeed become that by 1883 Francis Galton, a cousin of Charles Darwin, had grown gravely concerned about the genetic stock of the nation. In that year he published his *Inquiries Into Human Faculty and its Development*, and a movement to promote the science Galton named "eugenics" was born.

The eminent economist Peter Bauer, whose area of special concern has for many years been the economics of development, has noted a demographic phenomenon that might at a very careless glance seem to be anomalous. For reasons that Bauer himself does not attempt to explain, in developing countries the accession of wealth leads individual families and sometimes whole clans to limit family size. We can only imagine why this happens: that prosperity must give people, particularly those who have known poverty, a very different attitude to both the

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present and the future than is normally found among the very poor—some new sense of power over their destiny and of the standards of possibility for their progeny. In any case, by the early nineteenth century, first in France and somewhat later elsewhere, fertility control of one kind or another came to be practiced by the middle class on a scale large enough to have at least some influence on the trend and distribution of the birthrate. (Not surprisingly, the United States, with an empty continent to settle, would for a time be an exception to this tendency among the industrializing nations.)

In any case, as the wealthy grew fewer in proportion, Galton was concerned with how to undo the growing demographic imbalance that threatened to influence the genetic characteristics of future generations. He was worried by the consequences for the oncoming human stock of the fact that the prosperous classes were with such velocity and in such volume being outnumbered by the great unwashed. (We may hope that he was not including within the circle of his concern England's landed Tory aristocracy, who with few exceptions had remained just about as contentedly ignorant—not to mention unmannerly—as possible. It is valuable to remember from time to time that while the "masses" in England were reading, or being read to, from the Bible and *Pilgrim's Progress,* a goodly proportion of the "quality folk" spent their otherwise empty days riding to hounds.)

In any case, by 1923 Galton's worries had spread across the Atlantic. In that year, the American Eugenics Society was founded, and overnight became a highly fashionable cause. The American birthrate was—in keeping with Peter Bauer's notion, predictably—going down, and at the same time immigration was being cut off; the question for the Americans had now shifted to one of how to "improve" the population that remained. Soon courses in eugenics were being taught in a number of colleges and universities, and the issue was being taken up by people across the political spectrum. The young Norman Thomas, for example—displaying a certain sense of social propriety that his socialism would never totally enable him to overcome—spoke with passion of "the alarming high birthrate of definitely inferior stock."

By the 1930s, however, any idea of encouraging the better people to produce more children while "encouraging" the less desirables to produce many fewer—or, ideally, none at all—hit an enormous stumbling block, the Great Depression. How suggest that recently affluent people now suffering a sudden decline in prospects should expand their families for the common good? And meanwhile the second aspect of the eugenics project, i.e., controlling the birthrate of the undesirables, while legislatively highly successful—between the years 1907 and 1937 thirty-two states were to adopt legislation regulating the practice of sterilization for eugenic purposes—seems to have come up against certain difficulties of its own. For while the idea of forcibly sterilizing the undesirables may have been greeted with enthusiasm, the record of the actual practice of coerced sterilization bespeaks a certain timidity, or perhaps lack of stomach, on the part of the authorities appointed to carry it out: by the end of 1965, after more than half a century of practice, the total number of involuntary sterilizations numbered only around 65,000. (From a different point of view, of course, 65,000 is not so negligible a number. Still, in this connection the comparison with *voluntary* sterilization is instructive: beginning in the late 1950s, about 65,000 women were voluntarily undergoing tubal ligation, and about 45,000 men, vasectomy, *each year.*)

II

Meanwhile a very radical, free-thinking lady named Mrs. Margaret Sanger was traveling the wide world to find new and effective methods of contraception and to open birth control clinics. Her passion was essentially a feminist one, that is, to free women from the debilitation of excessive childbearing. (Her own mother, seriously ill with tuberculosis, had borne eleven children to a ne'er-do-well husband and lived an exceedingly harsh life ending in an untimely death.) And as an early radical—first as a friend and disciple of such figures as Big Bill Haywood and Emma Goldman, and later, of Havelock Ellis and H. G. Wells—she was also an impassioned advocate of sexual freedom, a freedom, as subsequent generations were to learn so well, indeed made possible by the widespread distribution of effective contraceptives.

Mrs. Sanger, too, was for a time an ally of the eugenicists, mainly on the strength of the fact that she and they shared a common bitter enemy, namely, the Catholic Church. The alliance was, however, an uneasy one: never known as someone overly concerned with the implications of her ideas, she for a brief period supported coerced sterilization primarily as an act of defiance against the religious conservatives rather than on the strength of her own aspirations, which lay elsewhere. Surprisingly, in view of what became of her movement, she was no ardent fan of abortion, coerced or otherwise. She did early on open a clinic in Brownsville, a Jewish slum in Brooklyn, that provided abortions—or what is nowadays called "abortion counseling"—but this was not what she really aspired to do, which was to obviate pregnancies in the first place. On their side, the eugenicists were uneasy as well, fearing for their respectability—which was in the 1920s and even in the early 30s still considerable—should the world come to associate them with the effort to disseminate birth control, then still frowned upon in many circles. In short, because Margaret Sanger could never quite

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overcome the anarchism of her early political education, her abiding instinct was to demand unlimited freedom, while that of the eugenicists was to impose control. (More than once in human history have the two inclinations found occasion to come together.)

The irony was that the rise of Nazism was soon to give eugenics a black eye, whereas the birth control movement was to go from strength to strength, mainly, it seems reasonable to suppose, because its declared aims were the health and freedom of women just as women were beginning to exercise a new degree of political power.

In the end, Sanger's success in forcing birth control out of the radical back alleys and into the mainstream of social action was to have unhappy consequences for her personally. By the early 1930s, she had managed to find more and more powerful support among men and women with names like Rockefeller, Duke, Scaife, Lasker, Sulzberger, Dupont, etc., and this very respectability would, finally, result in her own superannuation: following the leadership of a firebrand was held to be no longer the proper strategy. In 1939 the various groups dedicated to promoting voluntary birth control were brought together under an umbrella organization called the Birth Control Federation of America—and *men* had begun to take over its leadership. Finally, three years later, to Sanger's great disapproval and distress the organization changed its name to Planned Parenthood, thereby ostensibly placing greater emphasis on child spacing than on outright family limitation. The first director of the new organization was a man named D. Kenneth Rose, who was chosen on the strength of the idea that a man would have better access to the government bureaucracy.

Another special player on the birth control scene was John D. Rockefeller III, who had journeyed to Asia in the late 1940s and returned from there convinced that reducing the population in what came to be called the Third World took precedence over any Western efforts at economic development. He called a conference of population scientists and put together a group called the Population Council. (An interesting, and you might say prehistoric, sidelight is that Rockefeller had wanted his Foundation to take on the project, but the Foundation directors objected, on the ground that to do so would be offensive to the Church.) Meanwhile research into contraception was proceeding apace. Sanger, while not truly satisfied with it, had been pushing the combination of the diaphragm with spermicidal jelly, first devised by doctors in Holland. Then in 1956 Gregory Pincus and John Rock published their first findings about the Pill, and in the following year International Planned Parenthood and the Population Council were cooperating on a study of pill-takers in Los Angeles and Puerto Rico. The Pill was soon to become the contraceptive of choice of Planned Parenthood, at least for a time, but Mr. Rockefeller's Population Council, engaged as they were with the backward of the earth, were very pessimistic about any techniques that required voluntary action on the part of poverty-stricken, downtrodden women. They were seeking to find some contraceptive method that would require little initiative and remain in effect for a long time. They were subsequently to find it in the intrauterine device (IUD), which they and many members of the medical community distributed plentifully in the 1970s and 80s—until it was shown that keeping a foreign object in the cervix carried a significant risk of pelvic infection. (The search goes on for passive contraception, the latest find in this direction, of course, being Norplant.) But in the end, like many other boons intended by the rich for the poor, birth control continued to find its most eager beneficiaries among the world's middle and upper-middle classes.

III

Though the impulse to control and reconstruct the population was never to die, Hitler had for a time succeeded in making it a shameful impulse to own up to. But in the fullness of time it would find its way, curiously disguised, back into public discourse. Effective contraception may have helped to smooth the way, for after all, birth control, even of the kind sought by Rockefeller, was clearly far more benign than the coercive medical practices associated with eugenics.

The year 1968 is a convenient point to begin, for in that year two separate anti-natalist movements—perhaps the most wildly anti-natalist in history—announced themselves to the world, as it were, simultaneously: the radical feminists and the ecologists. Though their analyses, as well as their aims, were rather different one from the other, the combined force of their respective advocacies was enormous. The early radical feminists' most telling contribution was a loathing of sex, marriage, babies, and motherhood that, having seeped quietly into the atmosphere through the offices of their more moderate (or maybe just more uncertain) successors, helped to condition American society to the idea of a woman's right to government-funded abortion at any time during a pregnancy and for any reason. This conditioning was important not only in itself and as a catalyst for a more general moral erosion, but for its suggestion of the ambition to godlikeness: the underlying assumption of the demand to be in total control of the creation of babies from beginning to end being that only masculine bad will or a malevolent social system stands in the way of reorganizing the very constitution of human life. Why should women continue to be, in Simone de Beauvoir's immortal words from her feminist classic, *The Second Sex*, "subject to the species gnawing at their vitals"? Indeed, why should there not in the end be laboratories in which to breed babies and government institutions to bring

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them up as a newly just society wishes? As Shulamith Firestone put it in *The Dialectic of Sex* (1971): "Humanity can no longer afford to remain in the transitional stage between simple animal existence and full control of nature. And we are much closer to a major evolutionary jump, indeed to direction of our own evolution, than we are to a return to the animal kingdom from which we came."

These radical feminists, the granddaughters, as it were, of Margaret Sanger—though prepared to go infinitely farther than she—have cast a long shadow over the succeeding quarter-century, longer than many people realize; but in the end, having contributed more than a mite to the sum of human misery, they have left behind them few adherents. The ecologists, on the other hand, seem to have attracted disciples, both witting and unwitting, in every nook and cranny of the civilized world.

It is difficult to date movements, for they grow out of long-gestating ideas, but again, it was in 1968 that Garrett Hardin's famous article, "The Tragedy of the Commons," appeared in the prestigious journal *Science*. What Hardin meant by "the commons" was the earth's natural resources, and he warned that given the freedom granted by a society like ours to make use of these resources, we would soon be facing a natural catastrophe: "Ruin is the destination toward which all men rush, each pursuing his own best interest in a society that believes in the freedom of the commons. Freedom in a commons brings ruin to us all."

For old Malthus, the nonrenewable resource whose disappearance was so soon to bring worldwide famine had been *farmland;* for Garrett Hardin—though he would later prove to be more catholic in his worries—the main objects of his concern in 1968 were soil, water, and most particularly, fossil fuel. Malthus had not in his time been able to foresee the prodigies of mechanized farming and new systems of irrigation and fertilization, nor the possibility of creating whole new strains of grain, whose cultivation would be dubbed the Green Revolution. Hardin was naturally quite aware of all these developments, but as far as he and his confreres were concerned, such progress represented not a solution but was itself the very heart of the problem. For if the early industrial revolution had doubled the population of the world in two hundred years, the explosion of economic growth in the twentieth century, along with enormous advances in public health and medicine, had more than doubled it again. And meanwhile, said the ecologists, we were simply using up the supply of all those resources that had made growth and health and prosperity possible. We were, it came to be said over and over, "eating our seed corn." Thus there were only two things to do: reduce both population *and* consumption.

All this is familiar by now, so familiar in fact that we are in danger of losing sight of what was very new here in the story of eugenics and population control. Anxiety about the birthrate of the masses of still-agrarian Asia and Africa had for a long time been a popular cause, intensified by the spectacle in these places of famine after famine attended by epidemic after epidemic. And though the American government had certain political difficulty in taking official part in any project to curtail population, such projects were being ministered to—to be sure, without notable success—by the combined forces of American private philanthropy and several agencies of the United Nations, such as the ILO, FAO, UNESCO, and WHO. But for the ecology movement the problem was not located among the peoples of the agrarian Third World but rather in the population of the industrialized West, with particular—indeed obsessive—reference to the Americans. The American people had in the 1950s and 60s grown rich beyond belief, and enjoying as they unfortunately did the freedom to do whatever they wanted with their wealth, had become a nation of little foxes spoiling the world's vines.

Not long after the publication of Hardin's article a group of European industrialists calling themselves the Club of Rome produced a study—later discredited scientifically—claiming to demonstrate that American industry, by maintaining the American standard of living, was making the planet unlivable for everyone else. Each and every American baby being born would in his lifetime consume so much of the earth's precious and dwindling resources—including its very air—as to be an ecological disaster.

Now, the wish to find America responsible for the world's ills, as well as to hinder the country's economic system, nowhere in those years found a more sympathetic hearing than in the United States itself. We need not rehearse here how and why this should have come to be the case, nor all the many and various forms in which this wish expressed itself. Suffice it to say that one of the major results of the campaign to "save the planet," reinforced by the new angry resistance to motherhood of some of America's best-educated and most articulate young women, was a rebirth of the movement one way and another to exercise control over the country's population.

In time this movement would be expanded and enriched by the presence in our midst of the gravely disturbing population known in journalistic shorthand as "babies having babies." But to begin with, it was distinguished from its predecessors in that its main targets were not the poor but the rich. Zero Population Growth, the name given to the enterprise by Paul Ehrlich, one of its most visible and vocal advocates, addressed itself primarily to the qualities and habits of the advanced middle class. While the postwar baby boom was over, and births and deaths were now beginning to stay more or less in balance, the

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rate of resource depletion that resulted from the American standard of living, said ZPG, was already intolerable and would become more so unless a new sense of responsibility were fostered among the young. For, it was said, the nation was in the death-grip of a false ideology, "growthism," the belief that economic growth promotes well being, unable to recognize that growth is the disease not the cure.

And in case anyone might doubt that the United States, with its huge empty spaces, is overpopulated, Ehrlich instructs us that the impact of any human group on the environment has to be measured in terms of his formula, I=PAT, which says that impact equals population times affluence times technology. Overpopulation, then, does not mean crowding as such but rather the number of people in any given area relative to its resources. (In other words, no matter how deplorable the conditions in which they live, the poor of Africa make exemplary citizens of the earth, for they live on a continent immeasurably rich in resources and yet they avail themselves of very few of these.) Also, in Ehrlich's view, "The flow of immigration [into the United States] should be damped, simply because the world can't afford more Americans." Several different kinds of disaster have been predicted to follow inevitably from the population explosion: hunger, leading to epidemics; ozone-depleting gases and acid rain leading to destruction of the ecosystems; and finally, because of increased international competition over scarce resources, the ever greater likelihood of a nuclear holocaust.

While nuclear holocaust seems to have receded from the catalogue of guaranteed woes, the other dire predictions continue to circulate through the country's consciousness—and continue as well to titillate all those, both at home and abroad, who share eagerly in the process of indicting America.* In any case, the result of the spread of the ecological mindset has been the imposition of a variety of regulations over the country's public institutions and industries, not to speak of the private conduct of its citizens, never contemplated and certainly never put up with before.

Much has occurred in recent years to assuage the earliest anxieties of Zero Population Growth: abortion has not only been nationally legalized but declared a constitutional right; contraception has become ever more effective and widespread—even school systems in the country's major cities, now with the most ardent blessings of the new Surgeon General, are distributing condoms among its schoolchildren (so far to no great effect); bribing young black girls to use Norplant is now at least under discussion as a possiblity to be taken seriously; and a significant number of the baby boomers, only just coming of age in the 1960s, were induced through a heady combination of philosophy, ambition, and greed to put off having children until very late in the biological game, thus burdening the world with many fewer than they might have.

What, then, continues to be the problem? The trouble, for Ehrlich and company, is twofold. First, family planning continues to focus on the needs of individuals and couples; we need population control, which will focus on the needs of society. Nor will this be enough: for second, while "the basic biological and physical science of the human dilemma is well enough understood to permit sound recommendations for immediate action . . . almost no work has been done on ways to make the needed conversions in the economic systems so that scientific recommendations can be implemented with a minimum of disruption." In other words, the problem is still freedom, that damnable freedom about which Garrett Hardin had early on in the life of the movement waxed so eloquent. "So long," as Hardin put it, "as power and responsibility are separated, population control is impossible."

We know from historical as well as present experience that the only way people have actually come to impose upon themselves the kind of discipline needed for them to beget only as many children as they can feed and house and bring up benignly is the way described by Peter Bauer: help them, or even just permit them, to attain to a bit of wealth—property they can call their own or money in the bank and a situation that offers them some hope for more. But this is precisely what Ehrlich and Co. would have the world, for the sake of its future well-being, abjure.

Here, as an old Yiddish expression has it, is where the ecological dog lies buried: without the threat of world disaster, people privileged to live on a high standard might one way or another, whether unintentionally or in conscious aid of expanding business, help others to aquire this same standard, with its unfortunate concomitant freedoms, all over the world. The problem is not the resources at all—which wealth, in fact, helps to preserve and protect: breathe the air or drink the water in Lagos. Moreover, many of the resources whose depletion most concerns ZPG et al. were not resources at all until men made them so; who knows what might or might not be a "resource" in the future?

No, as Ehrlich himself said, the issue is control, not of the birthrate but of society itself. This is a sentiment that has been widely shared among the heads of state of the Third World who, while they attend conferences and there issue statements demanding in effect that the United States should somehow do something to stabilize the world's population, have

* Serious astronomers maintain that the so-called depletion of the ozone layer has nothing to do with "gases" and is not in fact depletion, but rather the tracing of a natural solar cycle from its peak to its lowest point; and as for acid rain, the count is still far from in on what its actual effects are, what causes it in the first place, or what is responsible for its recent decrease (see *New York Times*, September 12, 1993).

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not shown themselves notably eager to disperse whatever wealth comes their way to those in their own population who might use it to limit their own.

In forcing Chinese families to restrict themselves to one child (which has led not only to high rates of abortion but also to widespread reports of female infanticide), the Chinese authorities have really come close to having the right idea as far as ZPG is concerned. Garrett Hardin would be a drop kinder than they, for in the society governed by his new ethics, families would face just one restriction on the number of children produced: no more than one girl child per woman. In addition, it may not as yet have occurred to the authorities in China that to the extent they succeed with their policy, they may one day be faced with the problem of having a plethora of males. This is a problem that many societies, albeit on a rather smaller scale, have been forced to face before, often with unpleasant consequences. It is one, however, that Hardin at least has foreseen. For this, too, Hardin has the answer: polyandry.

In the new-ethics polyandrous society, it is true that we would have to give up a few personal freedoms, but as Hardin's associate Ehrlich hastens to assure us, the gains would be great. We Americans would learn to lead more enjoyable and relaxed lives, going back to handcrafts and small farming, which besides making life easier would also help to solve the unemployment problem.

It seems unbelievable that, say, a proposal to return to subsistence farming should be taken seriously as a boon to society except by someone who has never spent time on such a farm. Indeed, it seems unbelievable that so callow a set of ideas, so disconnected from human experience in all its quotidian reality, should ever have been taken seriously. And it seems now in hindsight that it even might have been greeted with the laughter it deserves were it not for the already lethal condition of the cultural ground in which it took root. The poisons in that ground were themselves contradictory ones, namely, the anarchy of free sex combined with the belief that something called "society" was responsible for everything in life. The noxious fumes from this clashing of opposite poisons led to an explosion of passivity combined with mindless rage and self-hatred that for a time nearly did in a generation of America's most advantaged kids and that has certainly come fair to destroying two generations of disadvantaged ones. Young men were declaring, as one rather famously did in the pages of *Esquire* magazine, that if he thought he would end up like his father, with a job, a nice house, and kids to support, he would slit his throat. About the young women we have already seen. In New York City the so-called "moderate" feminists were storming down the street demanding the legalization of abortion, on the grounds that a woman had the right to her own body, and when the New York State legislature gave it to them, they stormed down the street demanding that abortion be available on demand and that it be free of cost. And no matter how much society, especially the government, gave in to their angry demands, they still could find no satisfactory settlement between what they were being taught to regard as their desires and the actual constitution of their being. No wonder every hare-brained therapy anyone could devise was to find a complement of patients, no wonder gurus were enabled to buy Rolls Royces, and no wonder young men were proudly sporting ZPG lapel buttons announcing that to save the planet they had undergone vasectomy. In such a climate, friendly chat from the likes of Paul Ehrlich on how pleasant it will be to give up our freedom and live reduced lives may have sounded quite soothing.

IV

Eventually, as we have lately had ample opportunity to witness, young ladies of the middle class did find a way to say no to casual sex. Many of them still seem to be somewhat out of sorts and their various demands on society have not much quieted, but at least the poison of sexual anarchy has been rapidly draining from their systems. Nor are they so cavalier about pushing the idea that motherhood is merely an "option." (Now they must face the young men who once so willingly accommodated to their anti-natalism, and we can only wonder about what kind of explosion we will witness next.)

But the true victims of that polluted soil remain in our midst. They are the boys and girls of the underclass—blacks in particular—who, having had no margin of the kind provided to its young by the middle class in which to horse around with their lives, are left behind with the detritus of those ideas of yesteryear. They, too, are angry, boys and girls together, but this time the community that has long put up with their anger seems less and less of a mind to excuse it, and there are no loving arms for them to come home to.

Among the things they are doing out there knee-deep in the poison is breeding babies that too many of them have little time or use for, and don't know what they want to do about it. But for the girls' passivity in the face of what their lives are becoming, they would be perfect targets for Planned Parenthood and the abortionists. So far they are not, because so far the process is still voluntary and however one explains their reason for it, most of them still seem just to go along having the babies—having the babies, and in turn becoming grandmothers at thirty. But the population controllers, like the famous nine-lived cat, are surely gathering force for yet another rebirth. The opportunity is too ripe. For the girls of the underclass, abortion, or at least contraception, may not long remain voluntary: first they

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will be bribed to use Norplant and should the bribery not take—which seems likely, because why would a few dollars overcome a sloth so profound they permit themselves to be destroyed by it—they may be forced to do so. America, in short, will have become the land of Francis Galston's dream.

Peter Bauer would know what to tell those kids: go to work, and save, and be responsible enough to become self-sufficient, then work some more and quit listening to anyone who preaches to you either about the government or the racists—you don't need to depend on either—and you will see how soon all of you will begin to prize your babies and how soon after that they will be prizable. Of course, they would not listen to Peter Bauer; things have gotten much too corrupted for that. But they might listen if it were Faye Wattleton or Marian Wright Edelman or Spike Lee or some rap star: any of the people who have achieved their own success and might care enough for these objects of their ideological benefactions—soon otherwise to become the objects of this decade's Francis Galton—to explain the real truth of how you go about it.

Meanwhile, the compulsion to be godlike, and the enormities that follow from it, we may expect to have around in one form or another for quite a while. William Hazlitt, the great British essayist might easily have had the population controllers in all their various guises in mind when he wrote, in *A Reply to the "Essay on Population" by the Rev. T. R. Malthus:*

> It is astonishing, what a propensity Mr. Malthus has to try experiments, if there is any mischief to be done by them. He has a perfect horror of experiments that are to be tried on the higher qualities of our nature, from which any great, unmixed, and general good is to be expected. But in proportion as the end is low, and the means base, he acquires confidence, his tremours forsake him, and he approaches boldly to the task with nerves of iron. FT

Klengel Composing His "Hymnus for Twelve Cellos"

He saw twelve cellos once in silent choir,
like bathers poised and dripping by the wall
to leap beyond a lifeguard's beckoning.

The shop was open: RENTAL & REPAIR
OF DOUBLE-BASSES, CELLOS, VIO-
LINS BY EXPERT. BOWS AND STRINGS.

One oscillating wave . . . the moving air
submerged him in its tide. The full
room's "hummm" refracted, flooding

through the prism of his ear;
one tone widened to display all
tones. The spectrum of all things

a man could speak and hear
rainbowed in his mind and he must kneel:
the umber trees with burnt-sienna sheen

reveal their music in a prayer
that he can learn and tell
in praise that these carved woods will sing.

Hannah Strauss

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Discovering the American Aristotle

Edward T. Oakes

Once upon a time, in what must now seem like the Stone Age—that is, before the invention of the personal computer—most graduate students would carefully copy out and assemble their research data on 3-by-5 index cards before writing up, in dissertation form, the results of their painstaking labor. Given such utter dependence on so tenuous a medium in those horse-and-buggy days, graduate student folklore was naturally filled with stories of some hapless student whose landlady (or her cat: always an amusing villain in such tales) mistook these sacred runes for random jottings and threw the whole pile out with the trash (or, in the case of the cat, chewed them to shreds). And indeed, I personally knew a graduate student at the University of Regensburg who brought along his shoebox of index cards on a train trip through Switzerland and, through a truly bizarre mishap, saw his cards whoosh out the window and blanket the Alpine foothills with a fresh new layer of white precipitation.

This peculiar image of index cards dusting the Swiss landscape comes to mind when I think of the legacy of Charles Sanders Peirce (1839-1914). Hailed by many, and with reason, as America's greatest philosopher, indeed as probably the only philosopher this country has produced of the stature of, say, a Kant or a Hume, he is nonetheless a philosopher whose writings rarely exceed the length of an essay (or more usually, of a contribution to a dictionary), and whose unpublished posthumous work indeed resembles a veritable blizzard of index cards for posterity to pick through and arrange as best it can.

When Peirce was dying in his isolated villa in Milford, Pennsylvania, perhaps a bit like Plato in Syracuse, Josiah Royce, Harvard's leading philosophical light after the death of William James, arranged to have Harvard purchase all of the Peirce papers. There they sat pretty much incubating unhatched until posterity arrived in the form of two enterprising graduate students—who would themselves go on one day to become important philosophers—Paul Weiss and Charles Hartshorne. From 1931 to 1935 Weiss and Hartshorne brought out Peirce's *Collected Papers* (abbreviated henceforth as *CP*).

This finally gave Peirce the hearing he deserved (and which in his lifetime Harvard had done so much to insure he would *not* receive). But the Weiss-Hartshorne edition is also a bit of a mess, rather like a chest of drawers in a typical graduate student's dorm room: the arrangement of the Peirce papers is topical rather than chronological, which can be deceptive; and the rubric they employed tends to tell us more about the editors' "take" on Peirce than it does to disclose the architecture of Peirce's real convictions.

Especially about religion.

The 1931-1935 edition of the *CP* came out in six volumes, and Peirce's philosophy of religion is relegated to the sixth and final tome—and not as a culmination of his thought but rather as an appendix or afterthought. For as the editors say in their Introduction to volume six, Peirce's religious writings have "rather tenuous connections with the rest of the system" and are primarily of "sociological or biographical interest" rather than of "fundamental systematic interest." This is hardly the case. Fortunately, we now have a book by Michael Raposa, *Peirce's Philosophy of Religion*,* in which the author succeeds in thoroughly demolishing this distortion.

To be sure, Raposa had the benefit of doing his work just as a new edition of Peirce's complete works was being brought out by Indiana University Press in chronological order and covering everything Peirce ever wrote in his capacity as philosopher and scien-

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* Indiana University Press, 180 pp., $25.

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tist. In addition, Raposa made ample use of the Peirce Papers at Harvard's Houghton Library—an immense labor. Peirce's philosophical manuscripts and letters at Harvard number in the tens of thousands of pages.

What emerges from even a cursory glance at the *CP* and the newer *Chronological Edition* (*CE*) is not only the breadth and range of Peirce's interests but, more important, his astonishing ambition. "[I intend] to make a philosophy like that of Aristotle," he said, "that is to say, to outline a theory so comprehensive that, for a long time to come, the entire work of human reason, in philosophy of every school and kind, in mathematics, in psychology, in physical science, in history, in sociology, and in whatever other department there may be, shall appear as the filling up of its details."

In the card game called "Hearts," this is what is known as "shooting the moon," and it means that unless you really can sweep the table and win all twenty-six points, you lose by the amount of your overweening ambition. If one were judging by worldly criteria, it would have to be said that Peirce lost. And as we learn from Joseph Brent's recently published biography,* his failure had devastating consequences. Ostracized from both Harvard and Johns Hopkins, sustained only by the paltry income of book-reviewing and the charity of William James, he died a lonely pauper, harassed by bill collectors and desperate for contact with his peers.

But like King Lear's belated realization, "I have ta'en too little care of this," Peirce could look back on this wreckage of a life and see how his own character flaws had played their role: "For long years, I suffered unspeakably, being an excessively emotional fellow, from ignorance of how to go to work to acquire a sovereignty over myself." What makes this admission so especially poignant is how much Peirce insisted that his pragmatic standard of truth (or "pragmaticist" as he preferred to say, to distinguish his theory from James') meant that ideas had to be judged by their impact on one's conduct. The value of an idea, he wrote, "lies exclusively in its conceivable bearing upon the conduct of life. . . . And deliberate conduct is *self-controlled* conduct [emphasis added]."

We may, therefore, and on the same basis as set forth by Peirce himself, judge his work a failure: he aimed high, and he missed. But he is the one who had to pay the price for that, and we are left the beneficiaries of what he did win. And that achievement is truly extraordinary, as only a very few were able to notice when he was alive but as more and more philosophers are beginning to realize now. This late-in-coming appreciation for his achievement is due not just to the sweet balm of time erasing the memory of his personal flaws but much more to the pioneering advances he made in so many fields, so pioneering, in fact, that only a few were able at the time to realize what he was doing.

For example, during his lifetime only someone of the stature of the great British mathematician and logician William Kingdon Clifford could see that Peirce should be placed, as a logician, on a par with Aristotle and George Boole. (The German logician Ernst Schroeder had also maintained that Peirce's "fame would [eventually] shine like that of Leibniz or Aristotle into all the thousands of years to come.") But those once isolated voices are being joined by the voices of more and more philosophers today, who are coming to agree with Max Fisch, Director of the Peirce *CE* project at Indiana, who says, "If he has had any equals in the entire history of philosophy, they do not number more than two" (also meaning Aristotle and Leibniz). The best judgment, then, rests not with the tragic conclusion to his life but with the more considered judgment of posterity, which is perhaps best summed up in these wise observations of Lewis Mumford:

> The mere failure to publish the greater parts of Peirce's thought has obscured the fact that, in the very dregs of the Gilded Age, a large and universal mind quietly fulfilled itself, a mind whose depth and impact have still to be felt and fathomed. If one is to condemn the Gilded Age for Peirce's lack of influence, one must equally condemn the glorious thirteenth century for the comparative obscurity of Roger Bacon, or the sixteenth century for not publishing the notes of Leonardo da Vinci. Doubtless the condemnation would be deserved, but the glory of the achievement still remains.

In any case, we should not berate the Gilded Age too harshly, for part of the difficulty was the tremendous advance Peirce was making in the privacy of his imposed hermitage: he was striking out so far on his own that he really had no one to judge him. As Joshua Lee Auspitz wryly noted in an admirably perspicuous article on Peirce published in *Commentary* in December 1983: "There are never peers to review unique work."

But there are also—and this needs to be said, especially after reading Brent's lucid and balanced biography—severe character issues that hampered Peirce almost from the start. In fact, reading the Brent biography one is reminded of Abba Eban's famous line about the Palestinians (that they "never pass up an opportunity to pass up an opportunity"). Peirce never seemed to pass up an opportunity to shoot his career in the foot.

Charles was the second son of Benjamin Peirce (1809-1880), who held the chair of mathematics and astronomy at Harvard College and who was, as Brent

* *Charles Sanders Peirce: A Life.* Indiana University Press, 388 pp., $35.

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says, "easily the most brilliant and outstanding mathematician to appear in America before the Civil War." Charles was in many ways his father's favorite, always a dubious blessing, but especially in Charles' case, for his professor father put him through a schedule of private tuition that will undoubtedly remind every reader of James and John Stuart Mill, with Mill *père* force-feeding the classics to Mill *fils* before the youngster had even attained his sixth year.

> Even in my teens [Peirce recalled] I was reading Kant, Spinoza, and Hegel [under] my father. [He was] not a powerful analyst of thought, so that his demonstrations were sometimes faulty, but a mind who never once failed, as well as I can remember, to draw the correct conclusion from given premises, unless by a mere slip. . . . [He] would induce me to tell him about the proofs offered by the philosophers, and in a very few words would almost invariably rip them up and show them empty. He had even less mercy for such philosophers as Hobbes, Hume, and James Mill. In that way, the bad habits of thinking which would have been impressed upon me by these mighty powers were in great measure, though I confess not entirely, overcome.

This must have been a truly scintillating way to grow up, but also a risky one for Peirce's personality development. As Brent rather sardonically observes, "It must be corrosive of character to be placed, at the age of sixteen, in the unlikely position of believing that your own philosophical abilities are demonstrably superior to those of some of the most respected and revered philosophers of the past, such as Kant, Spinoza, Hume, and Hobbes." Add to this the fact that young Peirce had written a History of Chemistry when he was *eleven* years old (!), and we begin to see the kind of trouble he was setting himself up for as an undergraduate. Not surprisingly, he majored in chemistry at Harvard, and one day—in the high spirits of youth—he vandalized the furniture in the chemistry lecture hall. And who was the *Herr Doktor Professor* at the time? None other than Charles William Eliot, future president of Harvard and thereafter Peirce's implacable foe, a man who adamantly resisted the idea that Charles would ever become a member of Harvard's faculty.

Brent also does not flinch from telling us that Peirce most likely abused both his wives, his first marriage having ended in divorce. Of course, just the fact of the divorce itself would have been a problem in those days, especially at the very moment when the research university was coming into its own in the United States and was jealously guarding its reputation. But worse still was Peirce's rapid-fire elopement that same week—two days later in fact—to a mysterious "dark lady" from Europe who claimed to be a Romanian princess. For the Boston Brahmins, it was all too, well, *operatic*. And in a typical piece of Peircean bad luck, one of those Boston Brahmins happened to be on a train sitting next to a trustee of Johns Hopkins (where Peirce was teaching) and regaled the man with a rather lurid and embellished telling of the tale of Peirce's marital adventuring. Whereupon the trustee went straight to Daniel Colt Gilman, the president of Johns Hopkins, and informed him not only of Peirce's "adultery" but worse, of his generally cavalier attitude toward marriage. Gilman's response was to fire all of the non-tenured faculty in Peirce's department for that year and then rehire everyone except Peirce.

At a time when the old-boy network was all-powerful, Peirce's chances for employment in higher education were getting slimmer by the day. He eventually had to take a job with the government's U.S. Coast and Geodetic Survey, where his father had an ancillary appointment. But even here his luck would not hold, for at this point a new enemy enters the picture, one Simon Newcomb. Newcomb, Charles' colleague on the Survey, had been one of Benjamin Peirce's favorite students at Harvard. He was no doubt quite bright, but like Salieri in Peter Shaffer's *Amadeus* he also had just enough talent to recognize he was not a genius and just enough pettiness to resent someone who was. Furthermore, Newcomb was an intensely devout and literal-minded Christian of rigid moral standards, and he was appalled not only to see the much younger Peirce being nepotistically preferred to him in the Survey but behaving abominably to boot. Newcomb's anti-Peirce campaign behind closed doors was nothing short of malevolent, and the upshot was that Peirce was forced to resign the Survey and see every application for a foundation stipend rejected. (Newcomb was regularly consulted by the foundations as one of Peirce's peers.)

And so he and his second wife lived out their years at their stately home in Milford, Pennsylvania, to which they continued to make extensive repairs and renovations well after their money ran out, living off Peirce's fantasies of striking it rich with one or another of the crackpot inventions he was always proposing to his robber baron friends. (He had moved to Milford in the first place because it was at the time a favorite watering hole of the captains of industry.)

Geniuses are often difficult for their contemporaries to spot, and even from this distance there is something vaguely unsettling about this man's constant to-ing and fro-ing through the shoals of his precarious existence. And but for William James' unfailing generosity and Royce's foresight, Peirce would now be nothing much more than a footnote, a name perhaps no more recognizable than Simon Newcomb's. Now, however, we have his papers, incomplete though their publication still is, and to

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read them is to be convinced that James' and Royce's judgment of him will be the permanent one.

II

It is an interesting exercise to note how often the names of Aristotle and Leibniz keep recurring in connection with the mention of Peirce. And here we may have the key to understanding work that might otherwise seem so intimidatingly unyielding to the nonprofessional. For what the three men have in common are minds acute enough to advance the field of logic (a field in which by its very nature innovations are extremely hard to come by) and at the same time minds too acute to become besotted by the very logic they are outlining. And above all, minds free enough to see how any logic, even the most abstruse, must be contextualized by experience. Peirce insists on a point that also constitutes the foundation to the theology of Hans Urs von Balthasar: that aesthetics must have primacy over ethics, and ethics over logic. Not, as this might sound, that the relations among these three fields are adversarial. The point is that for Peirce all three are *normative* sciences that bear more than a family resemblance to each other: "Esthetics and logic seem at first blush to belong to different universes. . . . [But] that seeming is illusory; on the contrary, logic needs the help of esthetics." Just as it needs the help of ethics: "Logical goodness and badness, which we shall find is simply the distinction of *Truth* and *Falsity* in general, amounts in the last analysis to nothing but a peculiar application of the more general distinction of Moral Goodness and Badness, or Righteousness and Wickedness." Peirce does not mean to equate these three realms, of course, for that would lead to the conclusion that every fallacy is a sin, which is absurd. But he does insist, in a manner reminiscent of Cardinal Newman, that "good morals and good reasoning are closely allied."

But good morals and good reasoning are still not the bedrock, or at least not all of it; for they too must relate to, and be nourished by, the beautiful. And so Peirce insists that faith in God comes first, not from ethical considerations, the way it did with Kant, but from the sheer beauty that opens out to the believer in the act of faith: "A man looks upon nature, sees its sublimity and beauty, and his spirit gradually rises to the idea of God. He does not see the Divinity, nor does nature prove to him the existence of that Being, but it does excite his mind and imagination until the idea becomes rooted in his heart."

One of Peirce's most remarkable confessions of faith came in the late years of his life, when he was racked with facial neuralgia and unable to write down his thoughts because he and his sickly wife, Juliette, could not afford heating wood and the ink was about to freeze. In the midst of this torment, reminiscent of William's Blake's illustrations to the Book of Job, Peirce could say: "As a matter of opinion, I believe that Glory shines out in everything, and that any esthetic odiousness is merely our Unfeelingness resulting from obscurations due to our own moral and intellectual aberrations."

This remarkable testament is a redemptive moment that highlights not just the Ultimate Hypothesis toward which his thought had been so laboriously groping all these years but also, and more crucially, that realm of God where he could find forgiveness for his moral failings. As Michael Raposa puts it: "Indeed, God so far transcends any morality one might be able to formulate that the divine perfection ought probably to be regarded as 'above all restraint and law,' as something 'aesthetic.' Known more properly in feeling than in abstract thought, God is revealed to persons, and transforms their habits of conduct, as one who is perfectly *beautiful*."

It is important to stress that these are not the last musings of a sick and lonely old man going off into the faint, ethereal glow of a Swedenborgian sunset; on the contrary, they throw an essential retrospective light on all of his thought, very much including his philosophy of science. As Brent tells us, "In general, though with some important exceptions, the worse the times were, the more remarkable his work." And Raposa notes, "Peirce's religious ideas are less adequately conceived as constituting a part of his thought than as supplying an illuminating perspective on the whole of it. Indeed, they are among those guiding purposes by means of which 'the whole calls out its parts.' "

Peirce's times of dolor happened also to be the times when he was most concentrating on religious questions, and his musings have none of that detached air of abstraction that marks so many contemporary academic discussions of religion. Rather, they have an intensity that falls just short of being explicitly mystical. "Forgive me for harping on the subject of theism," he wrote William James in July 1905. "It would indeed be most ridiculous for me to think I could say anything to make you better, but living in the beautiful country, I cannot but be overwhelmed with the lovableness of the universe, as everybody is. Every mortal who stops to consider it is penetrated with love. It is irresistible." One notable thing about this letter is what it does not mention: it was written shortly after Peirce heard that a position to lecture at a summer school in upstate New York on which he was desperately counting had fallen through—his last chance, it would turn out, for gainful employment before his death.

At this point, he clearly came to believe that his only redemption lay, as Brent says, "in the sacrificial pursuit of philosophy to the exclusion of everything else." We get some idea of the price of this decision from one of his letters: "I am dangerously fatigued from overwork. . . . A man of 65 ought not to work

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through two consecutive nights and three days as I have done, but the work is pressing." And what made this choice of hard philosophical labor especially painful was knowing how his turn to religious topics would be sneered at by his "peers": "I cannot protest against any condemnation that may be visited upon me. . . . I am accustomed to hear and read upon countenances that when I speak of religion, people say I am a sham."

The last years of his life must have been purgative ones. As Brent tells us:

> He spent the last 15 years of his life, in spite of his almost constant sufferings, in self-conscious Christian atonement, working faithfully and fruitfully, with slowly improving deliberate self-control on aspects of the semeiotic and doing his woefully inadequate best, at the same time, at the time-consuming efforts needed to take care of Juliette and to live a modest, moral life. He took solace in theism and in knowing that he had influenced such philosophers as James, Dewey, and Royce in what he believed was the right way. But he suffered the anguish and remorse of a wasted life, made especially bitter by the loneliness of having no one, except Royce in the last year of his life, with whom to share his philosophical discoveries.

Isolated, yet fashioning a new model for communal philosophy; intensely aware of God's presence in the world, yet thought a sham; a true genius in logic, but frequently written off as a neighborhood crank: this crucible of contradiction through which he was compelled to pass gives unusual power to his writings of this time.

> Lately, when I was suffering at every mouth through which a man can drink suffering, I tried to beguile it by reading three books that I hadn't read for a long time, three religious books: Bunyan's *Pilgrim's Progress*, Boethius' *Consolations of Philosophy*, and Hume's *Dialogues Concerning Natural Religion*. The last one did one most good owing to the utter blindness of the man. Man can naturally get but a vague idea of the *all* of things; and a vague idea is always open to being driven into contradictions. But man will never find a doctrine of the all nearer than theism.

This intensity, however, came from more than merely the personal poignancy of his life; it also came from his relentless scientific asceticism and rigor ("I am saturated through and through with the spirit of the physical sciences," he once said), a rigor that gives a new and added weight to his startling statement: "If we cannot in some measure understand God's mind, all science . . . must be a delusion and a snare." (Imagine *that* engraved atop Harvard's Houghton Library.)

This is an astonishing manifesto, but once more it must be stressed that it is not merely a testimony to the personal intensity of his own faith. Peirce was able to make this claim because of his earlier insistence that reality is *continuous* and not discrete—and this continuity of the universe must imply the fundamental compatibility between religion and science. In fact, it would scarcely be possible to overestimate the importance of the notion of "continuity" in his thought. Especially in his treatment of the continua of space and time, Peirce insisted, in Raposa's words, that "one cannot simply 'construct' a continuum by conceiving and combining *individuals*, no matter how great, how infinitely great, their number." Or as Peirce himself put it, "It seems necessary to say that a continuum, where it *is* continuous and unbroken, contains no definite parts; that its parts are created in the act of defining them and the precise definition of them breaks the continuity."

Given his other principle, that metaphysical, logical, and moral truths are interrelated, this view that the universe is in fact seamless will naturally have significant ethical implications, and indeed at one point Peirce even goes so far as to say that "individualism and falsity are one." This certainly goes too far and perhaps is related to his almost unbearably painful isolation. But he has nonetheless located one of the great pathologies of modern life—the way it isolates one individual from another—and he insists that its cure must be fundamentally a moral one:

> "I am altogether myself, and not at all you." If you embrace [my philosophy], you must abjure this metaphysics of wickedness. In the first place, your neighbors are, in a measure, yourself, and in far greater measure than, without deep studies in psychology, you would believe. Really, the selfhood you like to attribute to yourself is, for the most part, the vulgarest delusion of vanity. In the second place, all men who resemble you and are in analogous circumstances are, in a measure, yourself, though not quite in the same way in which your neighbors are you.

This favoring of continuity over against discreteness also had, as we might expect, a direct bearing on his formal logic. Inferences, too, are spread out along a continuum, moving from the hard-and-fast entailment of a deductive syllogism to the vague hunches of a lucky guess. "Logical analysis applied to mental phenomena shows that there is but one law of mind, namely, that ideas tend to spread continuously and to affect certain others which stand to them in a peculiar relation of affectability. In this spreading they lose intensity, and especially the

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power of affecting others, but gain generality and become welded with the other ideas."

Notice the extraordinary room, at the outer reaches of inference and affectability, that Peirce gives to the free play of the imagination as a moment of inferential judgment: at the outer penumbrae of his logic we sense almost a dance of free association going on. As logic radiates outward in the energy of entailment, it becomes less rigid, less deductive, and more reliant on hunches, hypotheses, free associations, where the "entailment" is now no longer one of hard necessity but comes from Musement's delight in weaving hypotheses ("Musement" is a favorite word of Peirce's). One of his more startling metaphors, in fact, for the universe is "melted continuity," and that melting almost seems to well up from within a universe that is itself teeming with life and activity. According to Raposa:

> Out of this stuff of "melted continuity," he both fashioned his conception of God and defended the vagueness of that conception. The relationship between God and the world, between God and persons, is also continuous, and upon this metaphysical insight Peirce erected his theory of religious knowledge and developed an account of the nature and purpose of prayer. Love was described as a power that establishes real continuity in bringing about the growth of reasonableness and the creation of genuine community. Finally, to speculate meaningfully about the prospect of human immortality is to conjecture that death fails to represent an absolute discontinuity, a total rupture in the living continuum of feeling that comprises the personality.

Only someone of Peirce's unsparing standards for logical rigor could give so effective a defense of vagueness in our God-talk . . . and get away with it. All too often in this century, philosophers who fancy themselves adept at logic, insisting that they have thereby become rigorous, thereupon proceed to legislate out of existence the "muddled" thinking of anyone whose training might leave him deficient in logical rigor. But when they encounter Peirce, thinkers like A. J. Ayer and his epigones must sit at their desks and hear this salutary lecture from someone who is peerless in their own specialty.

> "God" is a vernacular word, and, like all such words, but more than almost any, is *vague*. No words are so well understood as vernacular words, in one way; yet they are invariably vague; and of many of them it is true that, let the logician do his best to substitute precise equivalents in their places, still the vernacular words alone, for all their vagueness, answer the principal purposes. This is emphatically the case with the very vague word "God," which is not made less vague by saying that it imports "infinity," etc., since those attributes are at least as vague.

Every believer recognizes how much faith is a matter of groping in the dark. There is a gut certainty about the testimony of faith, but it is a certainty that is hard to locate and even harder to specify. And everyone who tries knows the futility of trying to put faith's vision into words. But every believer also realizes the necessity for slogging on, knowing ahead of time the inadequacy of words but fashioning out of their vagueness something that both sustains and expresses that faith. In a fascinating passage, Raposa links Peirce's efforts to make vagueness a disciplined tool for theology to those of Thomas Aquinas:

> In a sense, the logic of vagueness functions within Peirce's religious thought much as the doctrine of analogy does for Aquinas, although Peirce clearly never pursued the religious implications of his philosophy of language with anything remotely resembling the latter's systematic thoroughness. It is because signs are not perfectly "discrete" or determinate in meaning that they are necessarily vague. Similarly, analogy of meaning implies some *continuity* between same-term occurrences; *mere* equivocation results when there is no such continuity of meaning between the same words used in different contexts. This suggests the possibility of some application of the logic of vagueness to the problem of analogy. Characters predicated both of God and of beings in the world are to be applied to the Deity only vaguely; once again, it is legitimate to conceive of God as being "vaguely like a man," with the understanding that no determinate sense of the word "man" is signified by such a claim.

Vagueness is not by any means the same thing as wooly-mindedness. Peirce's theory of God-talk should in no sense be taken as a license for theologians to let loose with any theory that comes along, under the guise of "negative theology" (or whatever other rubric might serve to undermine the positivity of revelation), as is often done today. For Peirce, while certainly never a theologian and someone whose relations with institutional Christianity were rather checkered, would never countenance using "vagueness" as an invitation to invention or as an excuse for muddled thinking, for he never lost the ability to spot a logical fallacy in an argument or to hunt out confused thinking that arises when hidden assumptions are imported into an argument.

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III

One example of this sharp eye for the too-easy assumption, the hasty conclusion, or the implicit dogmatism in an argument is his dissection of Darwin's theory of natural selection—a theory Peirce more than once submitted to a thoroughgoing critique. He did not deny "evolution," if by that term is meant the gradual emergence of ever more complex life forms under the rubric of secondary causality. In fact, his theory of "melted continuity" would make any notion of God's special creation of discrete species hard to explain in any event. But for Peirce this refusal to countenance special creation in no way left the field exclusively to the Darwinian explanation of how life-forms emerged.

Peirce had an intense, almost visceral, aversion toward Social Darwinism, the application of Darwin's biology to the nineteenth century's political economy. But he also saw that the transition from Darwinian biology to its economic application was inevitable. Now, after this century's experience with Hitler and Stalin, few any longer have the luxury of indulging in the fantasies of the Social Darwinists; it is, then, simply assumed that since Darwin's biological theory is true, it cannot have led, at least not necessarily, to the butchery of the twentieth century, since we also know (antecedently again) that Social Darwinism is fallacious, and indeed viciously so.

But Peirce's logic is too rooted in his ethics to allow such easy assumptions to go floating past the mind without rigorous and unsparing examination. For him the flaws in the theory of natural selection are two-fold: (1) it demands the crowding out of the weak (the ethical objection), and (2) it relies too much on fortuitous variation to accomplish its purposes (the logical and metaphysical objection). Moreover, as we have seen, an ethical objection is for Peirce genuinely detrimental to the cogency of the theory. "Here then is the issue," he says. "The Gospel of Christ says that progress comes from every individual merging his individuality in sympathy with his neighbors. On the other side, the conviction of the nineteenth century is that progress takes place by virtue of every individual's striving for himself with all his might and trampling his neighbor underfoot whenever he gets a chance to do so. This may accurately be called the Gospel of Greed."

For Peirce this is prima facie evidence that something must be amiss *with the theory*—a form of argumentation surely unique coming from so rigorous a scientist in our science-worshiping times. Without the least hint of embarrassment, Peirce will insist that the Gospel of Christ embodies more than a practical code but also has real explanatory power, quite capable of representing an attractive alternative to Darwin, Spencer, et al.

But of course he doesn't leave it there; it would hardly be enough to invoke the Gospel and then walk away from the fray. From here he zeroes in on the central difficulty in Darwin's version of natural selection, namely, its total reliance on *fortuitous* variation to account for meaningful patterns of biological organization. Even to say that Peirce never disputed "evolution," provided this referred simply to the continuity of life forms on earth developing under the immanent laws of secondary causality, is perhaps to speak too hastily, for Peirce has a unique theory of causality (possibly, along with his logic, his most original contribution to philosophy), and it is precisely at this point—i.e., the question of causality—that his critique of Darwinism is most telling.

Peirce once said: "Let us take . . . the axiom that *every event has a cause*. I question whether this is exactly true." Again, we must always think "continuity" when considering his theory of causality; or as he would put it: "Relations do not inhere in the related terms taken singly, but do inhere in all the terms taken collectively." Now take that principle and apply it to the case of evolution, and what we notice is that it is not just the evolution of discrete species that requires attention but the evolution of the whole *system itself*: "A most important premise, playing a great part in the establishment of the Nebular Hypothesis [of the Solar System] or the Theory of Natural Selection," he says, "is that things must *on the whole* have proceeded from the Homogeneous to the Heterogeneous" (emphasis added).

The insight that, in terms of issues of causality, the evolution of the solar system has to be considered with those of terrestrial biology is a crucial one (and this was before the discovery of the Big Bang raised the ante so significantly). Because now, when we are referring to the whole system, the idea becomes preposterous that fortuitous variation can explain it all. And this admission requires a complete reexamination of what causality means in terms of the whole system. And here again, "continuity" is the key, as Brent lucidly explains:

> In this objectively idealist universe, ideas degenerate by gradations. Logical inferences are more vital than habits; habits more vital than physical laws; and physical laws more vital than matter, which Peirce called "effete mind." Mind, the light of nature, pervades this hierarchy in an unbroken whole in a way reminiscent of the medieval vision of the Great Chain of Being.

Brent is referring here mainly to Peirce's theory of the continuity in logical relations, but it is obvious how his remarks have a direct bearing on Peirce's metaphysics: indeed, the two begin to fuse very rapidly. As Max Fisch noted so illuminatingly: "Peirce had an ulterior interest in the logic of evolution as a weapon in his lifelong war against nominal-

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ism." For Peirce, ideas are not "locked up" in the dungeons of our skulls but constitute the very environment within which human minds move and have their being—which is the same environment, of course, as the world itself; and this is what determines his critique of natural selection.

Nominalists deny this continuity of mind and universe and insist that, on the contrary, ideas (and the words denoting them) are merely convenient stratagems for the mind to work its way through the plethora of sensations as economically as possible (the "real" being only what stimulates those sensations and which by definition can have no other cause than mechanical, nonmental ones). This is the epistemological equivalent of the logical doctrine called "psychologism," which holds that the rules of logic merely describe the thinking behavior of the mind, much the way, I suppose, hepatology describes the way a liver secretes bile. (The founder of phenomenology, Edmund Husserl, held this doctrine briefly, before realizing how it made mincemeat of any viable epistemology.)

Peirce's doctrine of continuity insisted on the opposite: that logic is nothing else but a science of *implication*, and implication implies our rootedness both in the empirical world and in the world of ideas. Ideas in our mind are directly related to ideal or final causes, which Peirce defined (in Raposa's summation) as "the essence of a living system of relations, determining the manner in which this whole calls out its parts; that is to say, they are laws governing the behavior of the fragments of such a system." And how do those laws govern? Well, first we must say: *not* mechanically. The premise of continuity would prevent that, for it would undercut the true nature of the mind to say it is an isolated fluke in an otherwise blank and featureless universe. (Note, however, that Peirce was not committed to the claim that physics would never be able to account for the phenomenon of mind, but only to the contention that it must fail as long as it is bound to the concept of law as blind, mechanical, and necessary. As Raposa says, "In the case of material objects, such laws do in fact display a mechanical regularity. Matter is the limit case of mind, however: mind frozen by habit, and even there the regularity is not perfect or absolute.")

And how does mind operate? According to the shopworn categories of traditionally understood logic, the mind works in two ways: deductively and inductively. The first derives true conclusions from general principles, the second comes to conclusions based on a preponderance of empirically gathered evidence. The snag—scandal even—for philosophy comes from the dilemma that while deductive reasoning will always give true conclusions if the principles are true ("All bachelors are unmarried"), the information it provides is vacuous (or true "by definition," as we say); whereas with empirical reasoning, one never knows when the next refuting example will come along ("All lobsters are red," says the novice fisherman; "here's a blue one that just spawned," says the veteran).

For Peirce what goes unrecognized in this jejune schema of deduction versus induction is the free play of the imagination in forming hypotheses, for only hypotheses can generalize from the data (whereas definitions are true deductively) in a way that can be genuinely informative and yet still give *general* information. This is a process he calls, in contrast to induction and deduction, "abduction" (Peirce was always fond of neologisms, but this term has some precedent in the literature). And as we saw earlier, this abducting hypothesizing is a mental process of free association that most closely imitates the Divine Mind, for that Mind is—especially at the moment of creation or even in its primordial state—at its most playful and musing, "feeling, sporting here and there in pure arbitrariness," as he says. Creation in fact, for Peirce, comes from the free play (or musing) of the Divine Mind. And our abductive moments of discovery put us into direct, imitative contact with this abducting Divine Mind.

These surely sound like startling claims, especially given today's atmosphere of rampant mechanism and a theory of language, structuralism, that radically divorces language from its world of referents (as the nominalists once did too). Peirce knew too much of the history of philosophy, however, to be cowed by the regnant atmosphere of his day or to be intimidated by the reactions we have come to expect today. In fact, he goes on the offensive, turning the tables on the nominalists and accusing them of being over-daring in *their* claims:

> Although nominalism is not credited with any extraordinarily lofty appreciation of the powers of the human soul, yet it attributes to it a power of originating . . . ideas the like of which Omnipotence has failed to create as real objects, and those general conceptions which men will never cease to consider the glory of the human intellect must, according to any consistent nominalism, be entirely wanting in the mind of the Deity.

What accounts for this strange upside-down perspective called nominalism, and why has it dominated the implicit assumptions of scientists (or at least their spokesmen, the philosophers of science) throughout modernity? Peirce came to believe that science fell under the thrall of nominalism not because of its inherent cogency but only for historically accidental reasons, and thereafter it had to adopt a jerry-built metaphysics that continually worked at odds with the very science it was meant to explain. The most decisive factor of all in this story of histori-

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cal contingency must be the "birthing" of science at the dawn of modern times: that is, the emergence of science (and the "new philosophy" of that science) in conscious rejection of positions associated with religious orthodoxy. As Auspitz puts it:

> Because the Church revered Aristotle, science became anti-Aristotelian; because the Church glorified faith, science embraced systematic doubt; because orthodox scholastics accepted the reality of universals, the "new philosophers" followed the unorthodox Ockham in attending to empirically verifiable particulars; because the Roman priesthood invoked the world to come, science stressed utility in the here and now. In adopting what were, in effect, *forensic* positions, modern science had gotten off on the wrong philosophical foot. It was therefore stuck with logical dogmas that would ultimately block the road to inquiry. The remedy was to find for it a true logic not vitiated by what Peirce would later call "a barbaric reaction against the Middle Ages."

Even in his earliest published writings, he had clearly and explicitly repudiated the Cartesian heritage and called for a restoration of the medieval scholastics as the true forerunners of a viable philosophy of science for his day. In one of his most famous essays (often anthologized) called "Some Consequences of Four Incapacities," Peirce demonstrated, at least to his own satisfaction, the clear superiority of scholasticism over Descartes. Cartesianism has incapacitated us in four ways, said Peirce, and thus it represents an actual *devolution* from the achievement of the medieval schoolmen: (1) Cartesianism teaches that philosophy must begin with universal doubt; whereas scholasticism had never questioned essentials, and would find the proposal to do so, if it had been mooted in its day, incoherent. (2) Cartesianism teaches that the ultimate test of certainty, firmly and reliably secured against the corrosion of doubt, is to be found in the individual consciousness and only there; whereas scholasticism had rested on the testimony of sages and the Catholic Church—that is, and this is crucial for Peirce, it relied on a *collective* wisdom. (3) The multiform argumentation of the Middle Ages, which approached an issue from various angles and cited as many prior authorities as possible, is replaced in Cartesian reasoning by a single thread of inference often depending upon inconspicuous premises (which of course Peirce was adept at spotting and ruthlessly exposing). (4) Scholasticism had its mysteries of faith, but undertook to explain all created things first in terms of themselves; and in any event it always interpreted the mysteries according to the intelligibility *they* revealed. But there are many facts that Cartesianism not only does not explain but renders absolutely inexplicable, unless to say "God makes them so" is to be regarded as an explanation.

This is a severe indictment, but a just one. Cartesianism leaves the subject isolated and never really sure if what it thinks it knows is connected to that "real" reality out there. All it can really know are the concepts *it* cooks up in its own private cerebral kitchen and which it then imposes on the world. (One sees why nominalism had to precede Descartes and why he had to precede Freud.) But this is not real science. Science as it is actually practiced *discovers*, it doesn't *invent* (inventions only come later, after the discoveries, and are better termed "applied science"). And this is why philosophy managed to marginalize itself in our culture, for if it were to be taken seriously, it would only undermine and enervate the very activity it is meant to clarify.

But Peirce knew that science is not only a collective activity of conduct but it is a conduct of discovery of what is *out there* and not inside our skulls. When he grew fearful that James' pragmatism was slipping too readily into a subjectivism of "If it works for you, it must be good," he quickly, as we have seen, coined the neologism "pragmaticism" to distinguish his firm realism from the views of James that were so unsettling to him. The laws of nature really do govern nature, and we can discover them because of the inherent continuity in the universe between law, nature, and mind. Raposa puts the difference between the two philosophies succinctly:

> These laws can be regarded as "ideas" only because the universe itself is of the nature of a Mind, a vast representamen or argument "working out its conclusions in living realities." The nominalist, however, would make the human mind the author rather than the reader or interpreter of the "book of nature." Nominalist principles render scientific inquiry farcical, Peirce contended, by dissolving the reality of those general laws that it is the task of the scientist to *discover*. If the world's generality, its intelligibility, is solely the product of human intellection, then the fundamental purpose of theoretical science cannot be, as Peirce had stipulated, to acquire knowledge of "God's truth." Clearly Peirce's theism, in addition to and as an ingredient of his philosophy of science, supplied an important incentive in his battle for the cause of realism.

It also supplied him with an armory of interesting arguments against Hume's critique of miracles. Peirce, of course, dismissed Hume utterly, starting with his precocious reading as an adolescent. Hume in a way is the mirror-image of Peirce: where Peirce sees the laws of causality bringing coherence to a whole system and as establishing the inherent connection between mind and matter, Hume saw causal-

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ity as operating nowhere. ("Cause" for Hume was merely the learned response of noticing how often B follows A; then the mind says, in a kind of shorthand, "A causes B.") And the same holds true for miracles: "To look upon the order of nature as being of the nature of a 'law,'" Peirce said, "is to adopt a view which is really favorable to miracles, rather than the reverse." And he also knew that the philosophical discussion of miracles would get nowhere unless the issue were addressed in the context where it really belongs: he insisted that, on the basis of the evidence alone, one should neither pronounce against the biblical claims of miracles nor affirm their validity "unless the general divinity of the Christian religion be assumed."

Even in the midst of the direst misery in his by-now rickety manse in Milford, Peirce remained truly baffled by the fact of unbelief, especially among scientists. "The question arises," he said, "how it is possible that the existence of this being should ever have been doubted by anybody. The only answer that I can at present make is that facts that stand before our face and eyes and stare us in the face are far from being, in all cases, the ones most easily discerned. That has been remarked from time immemorial."

What seemed to baffle him the most was the lack of imagination in those who could not see the world as God's handiwork. Peirce felt sure that if only the thinker would also become a Muser, if only the scientist would let the free play of imagination take over at some point in the abductive process, the thoughts of the mind would then inevitably be lifted to God and the wisdom of accepting that hypothesis would find confirmation.

> The idea of God's reality will be sure sooner or later to be found an attractive fancy, which the Muser will develop in various ways. The more he ponders it, the more it will find repose in every part of his mind, for its beauty, for its supplying an ideal of life, and for its thoroughly satisfactory explanation of his whole . . . environment. . . . [In time he] will come to be stirred to the depths of his nature by the beauty of the idea and its august practicality, even to the point of earnestly loving and adoring his strictly hypothetical God, and to that of desiring above all things to shape the whole conduct of life and all the springs of action into conformity with that hypothesis.

Which brings us back once more to the puzzle of Peirce's own life, to his failure, at least as he saw it, to shape the whole conduct of his life "in conformity with that hypothesis." As he looked back on his life in the desperation of his wife's failing health and in their ever more degrading poverty (they went for days without groceries, for example), he knew full well his own responsibility for this turn of events—that his life was not merely a losing battle against the bluenoses of Boston and Baltimore (though history will no doubt judge their sabotage of his career at nearly every crossroad harshly). His life was also a losing battle against his own hot blood and overweening nature. Or perhaps it was not so much a losing battle as a battle never engaged. At least that is the sense we get when, for his own part, he looks back on his life and tries to see—through an imaginative exercise of "what if"—where he went astray:

> If I had a son, I should instill into him this view of morality (that is that Ethics is the science of the method of bringing Self-Control to bear to gain satisfaction) and force him to see that there is but one thing that raises one individual above another—Self-Mastery; and [I] should teach him that the Will is Free only in the sense that, by employing the proper appliances, he can make himself behave in the way he really desires to behave. As to what one ought to desire, it is, I should show him, what he will desire if he sufficiently considers it, and that will be to make his life beautiful, admirable. Now the science of the Admirable is *true* Esthetics. Thus, the Freedom of the Will, such as it is, is a one-sided affair. . . . There is no freedom to be or to do anything else. Nor is there any freedom to do right if one has neglected the proper discipline. By these teachings, by showing him that a poor dog is more to be respected than an improvident man who has not prepared himself beforehand to withstand the day of temptation, I should expect to render him eager to submit to a pretty severe discipline.

These are painful reflections to read, and no doubt his imaginary son would have found this compensatory discipline chafing, and perhaps even stifling. But they bespeak the hard and bitter wisdom that he gained, as he said, by "suffering at every mouth through which a man can drink suffering." Still, the results of his intense labors in those last years do somehow transfigure this otherwise unbearable pathos. In Brent's words, "At the end, he stands there in tatters, surrounded by the melancholy debris of his life, contrite and apologetic; asking our—and especially his dearest friend William James'—indulgence. But all the while, this poor fool, behind the scenes and between the acts, has been building piece by piece the armature of a most marvelously intricate universe, so beautiful it transfigures him amidst the wreck of his afflictions, and we gratefully see the signs around us with new eyes." FT

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The People versus Martin Heidegger

William E. Hughes

Several members of the Philosophy, History, and Political Science faculties at the University of Tulsa recently completed a Martin Heidegger reading group, which read and discussed the principal writings of this important German philosopher. Among the many topics discussed was whether Heidegger's philosophy is related to his membership in and support of Germany's National Socialist Party during his tenure as Chairman of the Philosophy Department and Rector at the University of Freiburg in the 1930s.

As a basis for discussion, the group assigned William Hughes, a "civilian" member of the reading group and a former Assistant U.S. Attorney in Boston, to present the case against Heidegger. What follows, in the form of a prosecutor's closing argument, is his summation. The argument is based on Heidegger's philosophical works (principally Being and Time *and* What Is a Thing*) and on lectures and interviews given by Heidegger before and after the war. References by Mr. Hughes to his cross-examination and to an actual trial of Heidegger are of course imaginary.*

May it please the court, members of the jury: It has been my responsibility and privilege in this case to represent the People in the prosecution of Dr. Martin Heidegger, late Chairman of Philosophy at the University of Freiburg.

As the court has just instructed you, I will now present what lawyers call the "closing statement." In that statement, I will put into perspective the evidence we have heard during the several months of trial in this case and show there is but one conclusion reasonable men and women such as you may reach based on the evidence: that Dr. Heidegger is guilty.

The charge framed in the indictment is that the thought of Martin Heidegger bears a logical and necessary connection to his support of National Socialism in Germany in the 1930s and 40s and that his philosophy constitutes an historical cause of that experience, related to it as ideas are to each other and to the events they foster. The issue you must decide is whether he is guilty or not guilty. There is of course no serious doubt about it.

I will do two things in my closing statement: I will first direct your attention to three arguments you may feel tempted to accept in order to conclude that Dr. Heidegger is guilty, and I will ask you to pay no heed to these arguments in the course of your deliberations. Second, I will outline for you three compelling reasons, grounded in the very structure of Martin Heidegger's thought itself, that show him guilty beyond a reasonable doubt.

What arguments in favor of guilt am I asking you to disregard, and why am I, the prosecutor, asking you to disregard them? Let me answer these questions in reverse order.

The court has instructed you that the People have the burden of proof in this case and that the burden is to prove guilt beyond a reasonable doubt. This is a burden we willingly accept, because we are confident it can be carried—and carried not on superficially attractive grounds, but on Martin Heidegger's own ground: the implications of his very philosophy. We therefore wish there to be no question that he has been convicted on scrupulously fair grounds. So I will ask you to disregard three things that may seem to support his guilt: the undisputed fact of his support for the Party; the content of his rhetoric; and the manner in which his intellectual descendants have understood what he has to say.

Let me elaborate. When you retire to the jury room, some one of you will say: "Why can't we take

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just a peek at what we know Martin Heidegger did after writing his most important philosophical works? He became a National Socialist Party member, followed Party directives as Rector of the university, seemed shamefully unrepentent after the war about National Socialism and his role in it." "May we not properly infer," this juror will ask, "that for an intelligent and systematic thinker for whom internal consistency was surely a virtue, *he* must have thought his philosophy and politics coincided?" "We would be silly fools," this juror will conclude, "to believe that a thinking man's ideas and conduct bear no relation to each other."

Now, I admit I find some superficial force in the suggestions of this juror, but you must disregard them wholly and for this reason: it is conceivable, though barely so, that intelligent men may make mistakes or change their minds, and we therefore owe the defendant the benefit of the doubt.

"What about his rhetoric?" another juror will surely ask in deliberations. "When he wrote of 'the destiny of the German people,' emphasized the need for a 'hero' in the life of a culture, and spoke of the state serving as a disciplining force in society, are we not entitled to say, 'Why, these are the very properties by which National Socialism defined itself'?"

Given the historical context, no doubt such rhetoric makes the hair on our necks stand on end, and coming from such certifiably evil men as Himmler and Goering might be taken readily as evidence of a coherent worldview. Still, I am once again going to ask you to put your instincts aside and to disregard Martin Heidegger's rhetoric, and for a very good reason: the judge will instruct you in this case, based on judicial notice he will take, that academics—and particularly academic philosophers—have a strong herd instinct. It is again conceivable, though again barely so, that Dr. Heidegger used such rhetoric simply out of academic fashion.

An instance of our contemporary experience illustrates the point nicely: one may easily imagine how little modification is needed in today's academic discourse—regarding multiculturalism, group entitlements, racial pride, reductions of all questions to political power, and the like—for such current wisdom to appear to support truly ugly results. And support ugly results such discourse would truly do. But how many academics can fairly be said to be able to resist peer pressure? In the same way, I ask you to disregard the unfortunate phraseology in Martin Heidegger's philosophy.

Finally, I ask that you not consider evidence presented in this case to the effect that those who consider themselves, in one degree or another, descendants of Martin Heidegger—Sartre, Derrida, Foucault, the Critical Legal Studies faculty at the Harvard Law School—and who seem congenitally unable to criticize politics of a piece with National Socialism, should be found representative of Heideggerian thought.

The reason I ask you to disregard these lineal descendants is self-evident: even though they may have *thought* of themselves as children of a patriarch of postmodernity, they may have gotten it wrong. What I am asking is not more than what we do for others in our everyday life. Would we impute anti-Semitic meaning to *Mein Kampf* purely by using the evidence of Brown Shirts and German SS cadres who saw themselves as following its precepts? Of course not! Similarly, I ask that you disregard what Dr. Heidegger's descendants have said in manifesting his influence.

Which brings me to the marrow of the case against the defendant. Of what does it consist? He directed his efforts of course to ontology, that branch of metaphysics that asks what we mean when we say that something *is*, and he sought to begin those inquiries by examining the relationship between Being generally and the being we call conscious human existence. How could such esoteric speculation be related to the nasty realities of Nazi politics?

There are, I suggest to you, three central aspects of Heideggerian thought that lead to National Socialism, or something like it.

First, there is an implacable hostility to universals and specifically to the possibility that there is such a thing as human nature.

Remember my cross-examination of Dr. Heidegger? "Dr. Heidegger," I asked him, "is there or is there not such a thing as human nature?"

And how did he respond? To begin with, he treated me like a provincial, or a bumpkin, or a naif, for even asking the question. Then he waffled and spoke on and on about this aspect of human existence he kept calling "*Dasein*" (a term he had lifted from Kant, it turned out). But I insisted he stick to the point.

"It is a simple question," I demanded, "and I want a simple answer."

And in his answer, he gave his case away: No, he said, with his usual mumbo jumbo; the concept of human nature lacks ontological clarity and has no meaning.

Now, the important and relevant consequence of this denial is the following: *If* men need not be defined as men by something in their nature as men, but rather may be randomly grouped in categories that are arbitrary or self-selected or merely convenient and without any natural commonality among members from one group to the next, then there is no possibility of human right. So, take your pick as to categories—Rotarians, tax accountants, the bourgeoisie, Republicans, Germans, *Aryan* Germans, gypsies. The one thing we cannot say, if we are to follow Dr. Heidegger, is that any individual member of one of these groups has a human nature. And the second thing we cannot say is that anything done to

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any individual is a violation of human right.

Similarly, there is nothing about *purpose* in Martin Heidegger's *Dasein*—a serious failing, I would have thought, for an ontologist.

Remember when I asked him on cross-examination about purpose and whether he should have considered it explicitly rather than ruling it out by implication and omission? I would have thought it a fair question to pose to a philosopher who rather ostentatiously advertises as his stock in trade the acceptance at face value of apparent commonsense phenomena that most folks intuitively believe.

I asked him, *"If* every *Dasein* were to have a purpose, then wouldn't such a purpose become a structural part of its being?" It seemed, after all, essentially the question Plato's Socrates had pestered his interlocutors with, if not indeed the conclusion Plato's Socrates had suggested to be true.

Teleological fallacy, Dr. Heidegger sniffed, and he refused to discuss it further. In truth, of course, the defendant proposes a *telos* of his very own, one he says determines being—death and the nonexistence that he says follows death.

Another way to make my point is this: if man cannot be said to have a purpose, then man for all practical purposes is without purpose, that is to say, purpose*less*. And if man is purposeless, what does it matter what happens to him? If the being of man lacks purpose as a component, then destroying the being of man has no importance that survives the destruction.

This is at the central axis of controversy in this prosecution, so let me pursue it, if I may. If, as Martin Heidegger says repeatedly, the essence of a man is in his existence alone, then a man has no meaning transcending the bare fact of his existence—that is to say, a man has no meaning beyond the meaning of any other existent thing, such as a spotted owl, a dandelion, or a clod of dirt. Oh, sure, maybe a man, alone among other existent things, is *aware* of his being, but what bearing has that fact on the issue before us?

So who can be surprised by what happens to men under National Socialism? Where is the principled ground in Martin Heidegger's thought for objecting to it?

Second, Dr. Heidegger's philosophy is characterized by a coy ambivalence towards the possibility of ethics or morals beyond self-actualization.

It is possible to read Martin Heidegger as denying altogether the possibility of ethics of any kind, and it certainly seems his intention—if only by routinely putting quotation marks around the terms—to undermine ethics or morals as philosophy has traditionally understood them. I incline in the direction of understanding him to suggest in a covert and probably incoherent way that there is a kind of morality in self-actualization. That is to say, one should exist in a certain—"authentic"—way, with the "should" never explicit, explained, or justified.

But either interpretation convicts him, for just as surely as we ask philosophy to tell us about the nature of being, we look to philosophy to tell us about the nature of right and wrong. "What is virtue?" Socrates asked—or the Good, or whatever name we will give to something having a normative claim on us. And what Dr. Heidegger is telling us rather clearly is that there is no right or wrong, at least none beyond that of self-actualization.

We know from our common experience that men have an intractable tendency to believe there are at least some things describable in terms of right or wrong. But Martin Heidegger, who otherwise takes as valid and at face value and then elevates to a level of high ontological principle everyday phenomena such as fear of death and use of hammers, disregards this basic human inclination and, indeed, implies there is no objective basis behind it.

Let us conceive of it in terms of the useful distinction between freedom-from and freedom-for: Heidegger's thought gives no indication there is any end toward which freedom of the self might be directed, other than whatever end might be willed arbitrarily by the self. Accordingly, the freedom of the self he makes its own end. This freedom becomes liberating without being obligating. Another way to say it is this: Dr. Heidegger's philosophy says what I may do, but fails utterly to say what there may be about you that should limit what I may do, and why.

Where philosophy fails to provide a theoretical limit to universal freedom, power provides it. A morality of self, as I could show easily if we had more time, to the extent it does not collapse into solipsism, becomes a morality of power, exercised by an elite over the nonelite. This describes National Socialism perfectly.

Dr. Heidegger's philosophy, that is, justifies his National Socialism.

Finally, Martin Heidegger's grimness and despair. A condition of the "unshakable joy" of authentic existence, he says, is anxiety, and specifically a recognition of the nonexistence that will follow death.

Remember that I noted in cross-examination that there appeared to be no material difference between his position and that of Samuel Johnson—that to face the hangman concentrates the mind wonderfully—except that at least Dr. Johnson saw in the formula the possibilities for comic irony. Of course, one could say that there are in Dr. Heidegger's philosophy the possibilities of *tragic* irony—think if you will of the unshakable joy flowing from the sober anxiety of those being led to their deaths by National Socialism.

The important point Martin Heidegger makes about human existence is this: Death is the end of existence, which has no significance transcending

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itself anyway, though compared to nonexistence, existence is somehow better and some present consolation for those of us who happen to exist. In short, death for Heidegger serves as the only universal, and another word for such philosophy is nihilism.

If we doubt what effect this kind of promoted hopelessness has on the functioning of the social order, we have only to look at the plague years, or at the Thirty Years War—or at National Socialism: consensual social institutions cease to function; individuals become agorophobic, if not solipsistic, responding to human injustices not with outrage, but with relief that the injustices have been visited on someone else; and the vacuum becomes filled by men willing to apply force to get what they want from the cowering and phlegmatic many.

Of certain other existential thinkers, it might be said their philosophy is a courageous response to nihilism. But of Dr. Heidegger's thought we must say it is a celebration and promotion of nihilism. We might grant him to be a decent man whose politics reflected his personal revulsion against the decadence of the Weimar years. But in that case, can anyone doubt that his philosophy and politics perpetuate the very nihilism against the symptoms of which his politics revolted?

So I say I have proved my case: the thought of Martin Heidegger bears a logical and necessary connection to his support of National Socialism and constitutes an historical cause of that experience.

Do I say that but for Martin Heidegger, National Socialism would not have occurred? No, of course not. I could not make such a claim of Himmler. I could not make such a claim of *Hitler*. Nor do I for a moment suggest that Heidegger's thought came out of nowhere—rather clearly, I believe, its genealogy is traceable to the Greek sophists. But I can and do say that Dr. Heidegger did his part. The views he articulated with such influence were a voice added to the chorus, amplifying the historical forces and conditions from which National Socialism emerged.

And in a crucial way. What he did was to articulate a system of ideas that paralyzed moral judgment in Germany's intellectual class. An intellectual class has great leverage in any society, because it is a class of opinion makers. And when the intellectual class falls into error or silence, believing it impossible to characterize events in terms of right or wrong, the thugs take over, with scattered opposition only.

That is what happened in Germany in the 1930s, and that is how the defendant helped it.

I expect opposing counsel will urge three propositions by way of defense. While I will have another opportunity in rebuttal to address these defenses at length and to show why they are wrong, I will alert you briefly to the fact they are coming and ask you to consider their fallacies as you hear them.

First, the defense will argue that the individualism of the defendant's ethic of self is fundamentally inconsistent with the corporatism of National Socialism. But we know from our modern experience that an ethic of self, if anything, increases the state's intrusions into the private life of individual man: an ethic of self first weakens and then destroys the institutions and group norms of society, creating a vacuum soon filled by the power of the few through a state they control, unimpeded by any coherent voice in opposition or by any principle of obligation owed by one man to another.

Second, counsel will doubtless assert the just-a-simple-ontologist defense and argue that an ontologist should feel no more obligation to decry National Socialism while pondering the nature of Being than, say, a writer of an algebra book should feel, being free to leave the vetting of ethical problems to the ethicists. Such a contention obviously rises or falls with the extent to which the present defendant's philosophy remained isolated from its social and political implications, and I believe I have already shown that such an isolation is precisely what Dr. Heidegger's philosophy lacks. The People's case here, let it be emphasized, complains not simply of a sin of omission—that Heidegger failed generally to articulate a system of ethics or that he failed specifically to condemn National Socialism—but rather that his philosophy supported National Socialism in an affirmative and active way.

Finally, I expect he will be defended as a mere articulator of *process*, rather like the efficiency expert or scientist of whom it is said that his "value-neutral" ideas can be put either to good use or bad. I am sure you can see that this defense must fail as well, where we have a process philosophy, as we do here, that excludes the possibility of universals and purpose and so endorses the kind of nihilism we associate with Martin Heidegger's politics.

As the judge will instruct you, you are to give no consideration to possible sentencing following your verdict, as this is a matter for the court. Accordingly, any defense mention of "censorship" and "witchhunts" is of no relevance. But in fact, I will tell you that censorship is the last thing on my mind, and I intend to urge as the sole sentence a broad publicizing of the fact of a guilty verdict. I rather take the view that we need bad novels in order to learn what makes a good one and that heresies help us shape our views about the nature of truth. But error's advantages are lost unless we can freely and honestly characterize some things—art objects, ideas—as intrinsically better than others, with the measure of relative merit ultimately transcending individual judgment, and that is all that I ask of you in the present case: to examine what you have heard of Dr. Heidegger's philosophy and to render a clear verdict that it is full of ideas that seem to be bad because they are dangerous.

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You will note I did not say "ideas dangerous because they are bad." I have not attempted today a philosophical refutation of Martin Heidegger's philosophy, because my burden is to show only its logical connection with historical events. Historical events can *suggest* the invalidity of an idea by showing it to have dangerous consequences, much as the invalidity of an idea is suggested by the absurdity of its consequences. I certainly will agree that for dangerous ideas it becomes urgent to show them bad in their own terms or a priori. But that urgent task is a task for another day and not for this trial.

Thus, the judge will instruct you that my burden today is not to show what right or wrong consists of, or to demonstrate that there is purpose or meaning in life, or to convince you that such a thing as human nature exists. It is not my burden to show what was wrong with National Socialism, or even to show there was *anything* wrong with National Socialism. And it is not my burden to show, as I believe I could show, that Martin Heidegger's ontology is incoherent. Some of these important problems seem easy; others seem difficult, perhaps impossibly difficult. My *only* burden today is to show that if you do not like National Socialism, then you must also dislike that in Dr. Heidegger's thought that connects to and promotes it.

By way of conclusion, I would ask that you give the same courteous attention to the arguments of the defense counsel that you have given mine. My opponent has tried many cases and has a reputation for saving the hopeless cause, which is to say making the weaker argument appear the stronger. And who knows? Perhaps he can manage to pull this one out of the fire.

But I don't think so. I am confident that upon careful deliberation, you will find the defendant guilty. FT

The Rue of Lot

His knowing shifted when he saw her turn—
when with the cautious sliding of his eye
he caught the fatal movement . . . silent lifting
. . . slight, and slow, and strangely automated
turning of that proud, familiar chin
toward home.
She had never thought to question.
As he asked, she'd fixed the sudden guests
a feast. She'd baked the bread and brought the men
their wine and kept her silence as they made
their plans.
Perhaps he should have told her more
or held her for a moment as he said,
"It's time to go. Collect the girls and don't
look back." If only he had told her then
what he knew now: that there was nothing like
the steady comfort of her dusky flesh.

If he had given her just time enough
to say goodbye a woman's way; to pray
with her instead of simply passing on
God's man-to-man demand . . . she might have
made it through without that nagging need
to look once more, that lovely human gesture
of regret that left two fragile, willful
daughters motherless and him with only
this white trophy mocking his obedience.

Mary M. Brown

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Review Essay

The Land Called Holy

Robin Darling Young

THE LAND CALLED HOLY: PALESTINE IN CHRISTIAN HISTORY AND THOUGHT. By ROBERT L. WILKEN. *Yale University Press. 448 pp. $35.*

Twice in the history of the region have Christians controlled Palestine: first during the height of the Christian Roman imperium, from the early fourth through the early seventh centuries, and second during the Middle Ages, when Christian princes regained Palestine for a time, and called it Outremer. But in the Western historical imagination, this later era of the Crusades stands as the primary instance of Christian presence in the land of Moses, Jesus, Muhammad, and their followers. In later centuries those medieval attempts to recapture the holy places from the hands of the infidel echoed romantically as the melodic line in every subsequent encounter with the Muslim Orient. The Western support of the struggle for Greek independence, with its ultimate and ruling idea of regaining Constantinople, and the endorsement of expansion into Arab territories by Israel are two instances of the nostalgic power an old dream wields.

The dream is especially potent when absolute good and utter evil seem visible to the naked eye, and God is felt to be directing one's own hands. Reportedly the first crusaders shouted *Deus vult* before their departure. The medievals' prize was the Holy Sepulchre, until the Arabs under a Kurdish general took back the land and, most importantly, the Jerusalem they too regarded as sacred and knew as *al-Quds*. Modern Westerners inherit something of the crusaders' views but without their religious goal, and this continues to obscure their views of the region and its people. Robert Wilken's masterly book accounts for the deep origins of this later encounter by describing how Christians first began to cherish the land of Palestine as holy.

When the ancient and profound distrust of the Islamic Middle East distorts Westerners' view of political events there, the complicated reality shrivels into a simple encounter between the forces of good and evil. Lost then is any potential for knowing why Christian communities have made a certain peace with the Islamic culture in which they must live. The most recent example came in the Gulf War, when American strategists and journalists were startled to discover that Christians of a very ancient and Semitic lineage were living in Mosul and Baghdad. There in Mesopotamia, in the early centuries of the Common Era, these people had converted from Judaism or paganism, had built their villages and churches, and continued to baptize their children and celebrate the liturgy from century to century until the present. Though reduced in numbers by conversion to Islam, occasional massacre, and emigration, they survived to become, in 1991, objects of curiosity because some of them worked in the government or served in the army of Saddam Hussein, and others, including the Chaldaean Catholic bishop of Baghdad, supported the Iraqi cause. Protecting their lives in the bloodbath became one of the objects of Pope John Paul II, and made him both less than enthusiastic about the American conduct of the war and less than popular in the United States.

If *The Land Called Holy* could gain a wide readership among the literate citizens of Washington and New York, those who want to understand the present disposition of religious, and hence political, matters in the Middle East could grasp how it is that groups of Christians living scattered there tenaciously cling to houses, buildings, and, most importantly, shrines that cause them the greatest personal inconvenience. For although the Christians of Iraq have an inheritance they believe as ancient as the apostolic church itself, the Christians of Israel believe they possess the weightiest patrimony of all: the soil trodden by Jesus himself, as well as descent from his next-of-kin. For lasting life in the land they have been willing to exchange second-class status under a succession of governments—although in the years of the *Intifada* and the Israeli government response to it they have been leaving even more rapidly than following the Six-Day War.

Robert Wilkin has movingly evoked their pathetic exodus in the Epilogue to a scholarly volume that is otherwise for the most part written in the normal dispassionate tone of the historian:

> For Christians the Holy Land is not simply an illustrious chapter in the Christian past. . . . [N]o matter how many centuries have passed, no matter where the Christian religion has set down roots, Christians are wedded to the land that gave birth to Christ and the Christian religion. . . . If . . . the only Christians to survive in the Holy Land were caretakers of the holy

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> places, Christianity would forfeit a precious part of its inheritance. Like Judaism and Islam, Christianity . . . is not a European religion. Its homeland is in the Middle East, and continuity with its past is dependent on the Christians who continue to live in that land in which the faith is native. . . . Without the presence of living Christian communities, the witness of the Holy Land can only be equivocal. The martyrs and teachers, the monks and bishops, the faithful who lived in Bethlehem and Beit Jala and Nazareth and Jerusalem would no longer be signs of a living faith. . . . Bethlehem would become a shrine, and Christian Jerusalem a city of ancient renown. Only people, not stones and earth and marble, can bear an authentic witness.

Here Wilken knowingly makes a political, a religious, and a theological point. His implied political judgment is that Christian communities in the Holy Land are on the verge of extinction; he is perhaps suggesting that those three peoples to whom the territory of Palestine is sacred might well negotiate a means of sharing the holy places lest any of their devotees, Muslims, Jews, or Christians, be defrauded. His religious point is that Christianity, though a universal and not an ethnic religion, is so deeply rooted in the land of its founder, and is such a profoundly historical faith, that it would undergo a massive change of unpredictable consequences should it become uprooted. His theological point is, of course, the Incarnation. As the early Christian pilgrims realized, when Almighty God became human he did not hover between earth and heaven, but grew up and rendered unto God and Caesar in particular places which then themselves became holy through his stamp. All but the most transcendental of religions build shrines, but the particular meaning of shrines in the Holy Land is that, for Christians, their Lord was and is still present there in a way analogous to his presence in the Holy Eucharist.

Yet this realization was neither early nor undisputed in ancient Christianity. Two-and-a-half centuries elapsed from the death of Jesus to the time when Christians frequently made pilgrimages to visit the sites associated with his life and that of his mother and his disciples. Only in the late fourth century did Jerusalem assume the centrality for Christians that it had long enjoyed among the Jews, and even then its role was questioned. Gregory of Nyssa (d. 389) was, as Wilken notes, an appreciative pilgrim to the places that "had received the footprints of Life itself," but he also argued against associating God with any particular place and issued the first of many somber warnings against the frivolity and venery of those who, traveling on pilgrimage, yielded to the perennial opportunities of the footloose.

A later Gregory, the Syrian Orthodox philosopher-bishop Abu-I-Farag (1226-1286), known as Gregory Barhebraeus because his father had converted from Judaism, wrote when Palestine and Jerusalem had finally and definitively slipped from Latin Christian into Muslim hands. The Christian warriors of four crusades had first established, then lost, the Holy Land as a Christian principality, though Christians of all countries still made the pilgrimage—a dangerous and costly one—to the holy places. By Barhebraeus' time, the various Christian communities that had established themselves in Palestine in the fourth century, including Georgians, Armenians, Greeks, Syrians, Arabs, and Latin-speakers, could welcome their countrymen from home only after the latter had been escorted through the perilous countryside by Muslim dragoman-guides.

Barhebraeus' *Ethicon,* written in Azerbaijan in 1279, voices the same Christian uneasiness about pilgrimage to the Holy Land that Gregory of Nyssa expressed, and that was to explode three centuries later in the Latin West. Barhebraeus was a polymath, learned in classical philosophy, Christian theology, and Arabic literature. In the first *memra,* or metrical homily, of the *Ethicon,* the bishop felt constrained to discuss the question of whether the pilgrimage to Jerusalem was beneficial. Barhebraeus opens chapter nine, "On Going to Jerusalem," by remarking,

> We find that there exist two opposite opinions about worshipping in the Holy City of Jerusalem. The first is that of prudent, educated people . . . the perfect solitaries and the select Doctors, who only yearn to travel to Jerusalem on high (Galatians 4:26), the assembly of the first-born in heaven (Hebrews 12:23). They are ready to worship God who is spirit, spiritually (cf. John 4:24), as they have learned from the Word himself and have been encouraged, instructed, and guided by Him, for God is spirit and those who worship Him must worship in spirit and *in truth.* (John 4:24)

But the bishop was himself no mean traveller, and it may be suspected that although he admired the superior—i.e., interior—pilgrimage, he also enjoyed the more corporeal realities. Hence he remarked that other worthy believers "from all parts and corners assemble there [Jerusalem] in order to receive a blessing from the Lord's Sepulchre and . . . [their] souls thirst after seeing the holy places where the Lord and his select disciples walked about." Since pilgrimage was for seeing and touching those places, Gregory added four further sections concerning the various opinions about living in Jerusalem, the nine canons to be observed on the way there, the six canons directing behavior in the city itself, and scriptural texts teaching pilgrims how to meditate during prayer at the holy sites within the city.

Such a careful discussion within a medieval Syriac text written from the Caucasus can only show that the Middle Eastern, Semitic Christian community for which Barhebraeus wrote was still connected with the Holy Land by affection, by travel, and by an ancient form of ethnic colonization that had begun well before the emperor Constantine provided funds and labor for the excavation of the holy cross and the building of Christian

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accommodations in the city. But how did it happen that a religion of strangers to the world, born out of Judaism in the first century and departing from the cultus of the Temple in favor of a spiritual worship in the *acheiropoētos*, came around to imitating its mother religion in establishing a center of pilgrimage on an alternate mountain, Calvary, with a new and very solid temple, the Church of the Anastasis paid for with Caesar's own coin?

The answer lies in early Christianity's rejection of Gnosticism and its gathering into one book the two covenants, interpreting the old by means of the new, as well as its acceptance of political reality and the adaptation of Hellenistic philosophy for Christian moral and metaphysical use. It also lies in Christianity's continuing connection with living Judaism, its mother and now its rival for possession of the old covenant, its interpretation, and the land that God gave to Israel in consequence of that covenant.

The harsh land of Palestine and the isolated, arid city of Jerusalem were not of the highest strategic or commercial importance in the Greco-Roman period, and traditionally had been badly administered by the successors of Alexander the Great. Therefore it is one of the ironies of the history of late antiquity that a land and a city so impoverished by natural and political circumstance should become and remain so enriched by trade, by cultivation, and by imperial order. The land, Palestine, and the city, Jerusalem, became the objects of mutual jealousy by Christians and Jews, so much so that sensational stories could circulate and gratify hearers in distant countries—in this case credulous Christian people who perhaps were unable to make the pilgrimage to Jerusalem but liked to hear stories about it nonetheless. The story of Barsauma illustrates the way in which Christians continued to look over their shoulders while taking possession of the land they now understood to belong to the body of Christ.

A Syriac-speaker, probably a monk, told the tale as follows. In 439 the famous rabban Barsauma (a name meaning "the Faster"), whose monastic lifestyle included the practice of perpetual standing, traveled to Jerusalem. He had a reputation as a fierce opponent of the Jews, having harried them already in his north-Syrian homeland. During this second stay in Jerusalem, when Juvenal was bishop and the empress Eudocia was in the vicinity, a group of Jews allegedly responding to a Roman offer to reestablish the Temple were killed while on the Temple mount during the Feast of Tabernacles. Barsauma's Mesopotamian monks were accused of the murder; the Roman governor travelled from Caesaraea to adjudicate; the city's Christians feared that Eudocia, supposedly sympathetic to the Jews, would put them to death. During the governor's interrogation of the monastic prisoners, an earthquake occurred; in discussion with the governor Barsauma construed this as a divine warning; and simultaneously the Jews' death was reported as having come about due to natural causes.

Barsauma then assumed mayoral and even messianic status: at his suggestion, crowds of citizens roared, "The Cross has triumphed"; in five hundred groups, led by the desert monks, villagers and townspeople together with the residents of Jerusalem staged an adventus and mimesis of Palm Sunday for Barsauma.

> When the blessed Barsauma went around the places of the city in the midst of his brothers many spread before him excellent perfumes and choice unguents, and as he advanced they threw at his feet incense and agreeable aromatics. And they conducted the blessed one to the great church that had been built on Sion and there the blessed one offered the Holy Sacrifice.

That this event was a fabrication of Barsauma's hagiographer is well known, and doubtless the reason Wilken does not dignify it with lengthy discussion in *The Land Called Holy*. I tell it here to underline the object of the book, which is to show how Palestine and Jerusalem became the beloved and contested object of devotion for Christians and Jews during the years of the Christian imperium.

The *Life* of Barsauma shows how even Christians who lived at some distance—in northern Mesopotamia, which had its own "blessed city," Edessa, itself possessing relics of Christ—worried that Jerusalem might slip through their fingers, that the Temple might once again be constructed and Jews stream back from the dispersion to reestablish worship in the face of Christian shrines. By the mid-fifth century this was paranoia and sensationalism on the level of supermarket tabloids, but even so it testifies to the devotion to Jerusalem in the Christian world beyond the borders of Palestine.

It is also fitting to cite the text because it displays a distorted reflection of that reality which the author of *The Land Called Holy* portrays so well: Jews and Christians shared the city and the land. Wilken tells the fascinating story of how Christians came to learn what Jews had already known: congruent with the inmost truth of their religion was the realization that not only the heavenly Jerusalem, the "Temple not made with hands" familiar from the Letter to the Hebrews, but the very soil of *eretz Israel* was holy. Why? For Christians, though certainly not for Jews, because it had been trodden by Christ himself. Once the Cross was excavated by Helena and her local Christian helpers from beneath the superimposed temple of Jupiter, and the church of the Anastasis erected, Christians were free to take possession of the city and the land, to embellish it with churches and monasteries, and to water and cultivate it. During the years when they did so, from the reign of Constantine to the reign of Heraclius, those practices took root that made the Holy Land a permanent fixture of Christian imagination and practice. The practice of pilgrimage made it an international city, and contributed to communications among Christians of different languages

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and customs; the establishment of businesses produced wealth for merchants and inhabitants; the building of monasteries gave opportunities for libraries and scholars beginning with the likes of Jerome and Rufinus and continuing with such as John of Damascus after the Arab conquest. In a sense, Palestine became a common homeland for all but the most millenarian of Christians, precisely because the dirt itself came to be identified with Christ's own body.

Because Wilken begins *The Land Called Holy* with the exile of the Jews in Babylonia, and ends with the exile of the Christian bishop, he has demonstrated structurally the similarity of Christian and Jewish experience. Thanks to their developing exegesis and to their Christology, Christians took over the text of the Old Testament and its God as well as the primary Jewish site. Yet their occupation of the land suffered, at least apparently, the same fate: driven away by conquest, they could return and remain principally as guests in their former lands.

In fact, despite the parallels between Jewish and Christian understandings that the land of Palestine was *terra sancta* and Jerusalem *hagiopolis*, the evolution of the concepts was quite different in the two religions. This is one of the most interesting aspects of the book, and it is made more interesting by the book's structure: instead of making the story of Jewish Israel and Jerusalem merely an explanatory preface for the Christian era in the land, Wilken alternates his attention between the documents and monuments of each community, Christian and Jewish, to show that Jewish hopes for a return to the land remained very much alive, even to the point of covert action, throughout the period of late Roman rule. What would have eventuated had the Byzantines been able to hang on to Palestine we do not know; the Arab conquest added a third layer of holiness to land and city, gave it a third brand of pilgrim, and relegated Jewish and Christian communities to *dhimmi* status. Only foreign intervention interrupted this suspension of religious hopes.

What was the character of the differing Jewish and Christian hopes for the Holy Land? For the Jews, as Wilken shows, the idea of the holy land was rooted in the conviction that the land was a gift from God to his chosen people, a gift accompanying the promise to Abraham of innumerable descendants. That gift was thus part of the covenant between God and Israel. The idea of "possessing the land" did not diminish in strength despite the voluntary migration of Jews into neighboring countries, or the Exile after the Persian conquest, or the destruction of Jerusalem and establishment of the Provincia Palestina in the first century. The concomitant ideal, for the Jews, remained the return of those dispersed, the rule of Jews over their own land, and the reestablishment of right worship in the Temple. Wilken rightly makes the point that the importance of Temple worship should not be minimized despite the growth of the synagogues in Hellenistic Palestine and the dispersion.

Despite the destruction of the Temple under Titus, Jewish hopes for the reestablishment of native rule did not die; in fact, they remained lively throughout the period of Roman rule in Palestine. Doubtless the continuity of Jewish institutions provided the context for this continuity of hope; as Origen noted, the patriarch was like a king over his people, and as archaeological evidence has established, during the period of Roman domination, in which Israel became the Christian Holy Land, the Jewish community enjoyed no little material prosperity. Jews had certain considerable rights under Roman law, and these were not abridged significantly until the reign of Justinian, despite Christian polemic and (in the case of the Barsauma *Life*) fantasy. Such were the conditions that allowed for the production of Jewish apocalyptic writings during the Sassanid conquest of Jerusalem, the books of Zerubbabel and Elijah, which expressed the hope that the Christians would be driven from the land. As Wilken notes, "By claiming that the Land of Israel was a Christian Holy Land, Christians dispossessed the Jews of their inheritance, and hence of their future." This led a Jew debating a Christian in the Byzantine period to ask, "Why do you take what is ours and make it your own?" And if the Armenian historian Sebeos is reporting a real incident, a group of Jews told the Byzantine emperor on the eve of the Muslim invasion of Palestine that the land was their patrimony: "Give it up peacefully, and we will not invade your territory; otherwise we will retake with interest what you have taken."

For Christians, the idea of the Holy Land was more complex in origin. The major portion of Wilken's book is devoted to showing how the earlier Christian neglect of Palestine and insistence that the Jerusalem above was the true holy land gave way to the conviction that Christ's presence had sanctified what lay within the borders of Palestine, and had especially made holy the city of Jerusalem. Such a conviction could never have occurred without a sacramental theology that grew increasingly explicit in early Christianity.

Complex in itself, the early Christian idea that the sacrifice of Christ was replicated in the sacrifice of his martyrs led to the collection of their physical remains and the reverence of their remains as holy. These bones and ashes were believed by some to have curative powers. They merited special handling, and eventually the erection of martyria around them. At the same time, the sacrament of the Eucharist was believed to have a causative effect in sanctifying the Christian people. The elements of the sacrament were regarded as both apotropaic (effective in averting evil) and therapeutic. Both relics and host had the power to convey holiness from the divine to the human.

Of course, such a bare statement of complex and diffuse ideas betrays the complexity of Christian thought and practice, yet at the same time, it is this inclination in Christianity to regard the body of Christ as sanctified

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and sanctifying which made fertile ground for the idea that, where Christ himself taught, ate, wept—this entire territory was analogous to a sacrament, its material substance subject to reverence. Chapter six, "At the Very Spot," makes this quite clear: "Holiness," Wilken writes, "was transmitted through touching. . . . For the pilgrim the holy places were not simply historical sites that invoked a memory of the past. Seeing was more than seeing, it was a metaphor for participation." This analysis cannot but remind the reader of the *visio beatifica*, in which the metaphor of sight is made to stand for the entire experience of participation in the beloved: a pilgrim praying in the church of the Anastasis would find himself grounded in the circuit between the earthly and the heavenly Jerusalems.

When the pilgrims came, the monks came as well; some of them began as pilgrims. Over three centuries they became the colonizers of the Judaean desert, living out one aspect of the life of Christ in imitation of his forty-day fast in the wilderness. As Wilken points out, Sabas and Theodosius, leaders of monastic communities in sixth-century Palestine, took the ideas of pilgrimage to holy places and extended them to make a "nascent theology of a *Holy Land* embracing a territory." The idea of a Holy Land was the idea of Palestine's Christian—and specifically monastic—inhabitants, but because of the incarnation of which they wrote, it came to be recognized as a land holy for all Christians. In *On the Holy Images*, John of Damascus, living in the monastery of Mar Sabas under Muslim rule, so understands it: like the holy images in whose defense he wrote the treatise, the holy places were "receptacles of divine energy." From their veneration Christians were led, not to idolatry, but to authentic worship of the reality to which they witnessed. Because the Word of God became flesh, earth and stones may be holy.

The Land Called Holy is a rich work, evocative and sympathetic in accompaniment with its careful discussion of the texts and archaeological remains out of which its author has reconstructed the idea of Christian Palestine in late antiquity. This book is not only for historians or scholars of patristics, or for believers counting themselves among one of the three great traditions that cherish Jerusalem as the Holy City. The book could profitably be taken up by all thoughtful readers who wish to know the origins of their political world, and who want to grasp why this land is fought for. They can be grateful to Robert Wilken for providing this careful study, and for his final reminder that the Holy Land remains sacred for Christians especially because of its native Christians.

The Christians of that place love the land, as do Jews and Muslims, with a devotion which to the outsider often resembles fury, but really betokens a ferocity of desire lost on those in homelands more easily held: "If I forget you, O Jerusalem, let my right hand wither! Let my tongue cleave to the roof of my mouth, if I do not remember you, if I do not set Jerusalem above my highest joy!" FT

Cold Dawn at the Shelter

(For Alva Steffler)

Last Christmastide the angel came at six
fifteen. While volunteers began to poke
the guests awake, collect the mats, and fix
the coffee for the breakfast line, the smoke
rose from first cigarettes, and one large man
groaned off the floor, breath harsh, a map of beet-
red lines high on his cheeks—he strains but can
not bend enough to reach his feet.

The angel teaches art design, his hair
is gray, he's fifty odd. Straightway he goes
down on his knees, does not recoil from hot
dry skin, begins to tug one of a pair
of stained white socks around those death-puffed toes
and nonchalantly smiles and says "fear not."

Mark A. Noll

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Books In Review

The Betrayal of the French Left

PAST IMPERFECT: FRENCH INTELLECTUALS 1944-56. By TONY JUDT. *University of California Press. 348 pp. $30.*

Reviewed by **Louis Dupré**

THE POLITICAL attitudes of French intellectuals with respect to war, repression, and especially Russian Communism in the decade immediately following the war is an amazing story. In Tony Judt, Professor of European Studies at New York University, it has found an intelligent and highly articulate narrator. His work is based on articles and editorials in the innumerable monthlies, weeklies, and dailies that, like mushrooms after the rain, sprouted up in postwar Paris. The author concentrates on the major thinkers of the period: Sartre, Merleau-Ponty, Camus, Mauriac, Aron, and Mounier. But he also deals with editors and commentators whose names the American reader may less easily recognize, yet who were no less influential at the time. Historians, to be sure, might ask just how influential the progressive writers whose work forms the subject of this book really were. Might the book's subtitle not be too comprehensive? Judt readily concedes that there was more to intellectual life in postwar France than merely the leftist intellectuals, but, as he says, "theirs was the dominant voice, theirs the terms of reference and debate."

Sartre, Merleau-Ponty, and Camus were indeed thinkers of stature such as France had not witnessed in decades. They had completed much of their creative theoretical work before 1945, but it was in the period covered by Judt that their writings emerged from the silence of the war and began to circulate among intellectual communities all over the world. Simultaneously with the theoretical works, then, the later political essays reached the general public. The political essays thus appeared to many to be practical conclusions drawn from the fundamental philosophical premises. If existentialism was truly a philosophy of *engagement,* it seemed, the politics that followed from it constituted the proof of the pudding. In fact they did nothing of the sort.

VIEWED AT A forty-year distance, the Parisian intellectual scene assumes an almost surrealistic quality, hardly exceeded by the brutal logic displayed in Stalin's show trials of the thirties and in those of the Soviet-dominated countries after the war. In fact, the theoretical scenario of the French left was written and constantly rewritten in Moscow; Parisian intellectuals merely provided the justifications which the Stalinists had not bothered to offer.

How did it happen that Europe's intellectual elite came to be capable of flouting all rules of reason in the name of reason and of condoning the total contempt of morality in the name of a higher morality? Even Judt does not fully dispel the mystery. At one point he himself throws up his hands in frustration: "Intellectuals are no better or worse than other people. They are not even very different. They live in communities; they seek the respect and fear the disapproval of others; they pursue careers, they desire to impress, and they revere power." Yes, indeed; but they also possess a more developed capacity to resist common sense. In their attitude toward Russian Communism, French intellectuals displayed an astonishing stubbornness for maintaining positions that flew in the face of all possible evidence.

To be sure, they had "reasons"—and one of the merits of Judt's study is to have sorted out the most influential ones and weighed them carefully. He points to the rudderless governments and dispirited atmosphere of prewar France; the humiliating defeat in 1940 and the subsequent search for scapegoats; the collaboration of the Vichy government and its considerable support among the French population; the bad conscience of intellectuals who had remained passive during most of the war and then attempted to establish resistance credentials by turning the full force of their self-ascribed moral authority upon their enemies. The story in fact begins with a particularly vindictive repression in which, but for a few solitary voices of dissent (Mauriac's being the most respected), French intellectuals howled with the wolves, the more loudly as their war record proved more ambiguous.

ONCE AGAIN—as at all critical points in the last two centuries of French history—the magic word "revolution" was trotted out from the oratorical arsenal and revolution became a "categorical imperative." The rhetorical paradoxes of Mirabeau, Saint-Just, even Robespierre returned to exhort the French people to throw all acquired moral wisdom to the wind. Thus Emmanuel Mounier, the founder of the influential journal *Esprit* who had himself initially supported Pétain, now invoked against the collaborators the authority of Saint-Just's "objective" justification for the trial and execution of King Louis XVI: "We are here less to judge him than to fight him. One cannot reign in innocence: it is an evident absurdity."

Indeed, it is the moralizing tone of this political rhetoric that grinds most on our ears today. Sartre and Simone de Beauvoir emerge as intractable Jacobins, who from a high moral cathedra, dispense pontifical judgments on each and every event, as Victor Hugo had done, and Mirabeau, and Saint-Just. Public life in France has always had an oratorical quality in which what one said was less important than how one said it. Judt quotes the Swiss

LOUIS DUPRE, *here making his first appearance in* FIRST THINGS, *is T. L. Riggs Professor of the Philosophy of Religion at Yale University. His most recent book is* Passage to Modernity *(Yale University Press).*

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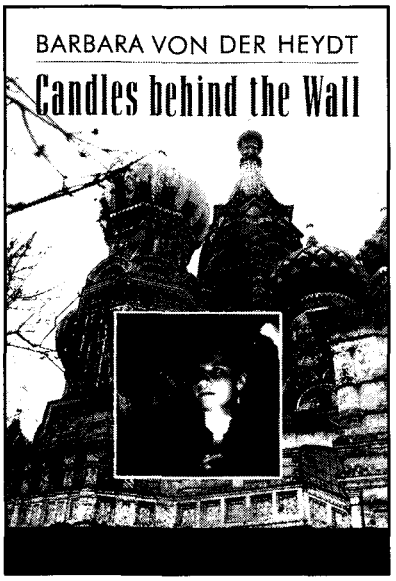
(not French) Béat-Louis de Muralt's pronouncement in 1728: "Style, whatever it expresses, is an important thing in France. Elsewhere expressions are born of thoughts, here it is the reverse; often it is the expressions that give birth to thoughts." As Judt puts it, "This genius for abstracting, reifying, and generalizing is what made it possible for perfectly peaceable and gentle men to advocate violence . . . and for clear-headed and gifted thinkers to ignore (or 'overcome') simple rules of coherence and logic."

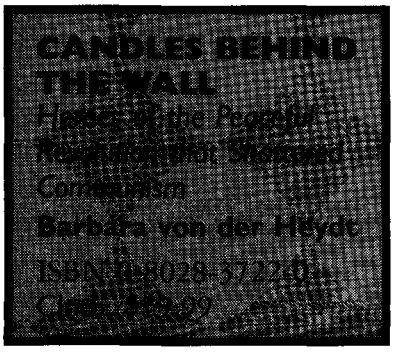
STILL, we must resist the common error of "explaining" the unprecedented by the past. The postwar episode is not reducible to any other; it has a rich historical background, but no "causes." The attitude of French intellectuals was a unique phenomenon in France, but it was also distinct from the attitude of intellectuals elsewhere in Europe. Because of their imposing philosophical work, along with the silencing of the German voice after the war, Parisian thought enjoyed a moral authority that far exceeded that of others.

The moral tone of that French rhetoric draws all the more attention to the moral vacuum that underlay it. The lack of firm moral principles in their legitimation of the death penalty on purely political grounds, for example, or their justification of Soviet crimes is truly baffling in such respected thinkers as Mounier, Merleau-Ponty, and the early Camus, though all of them eventually had their awakenings. Sartre and de Beauvoir never changed their position, except to harden it (in 1968 Sartre would sever his own more radical leftism from the Party). In 1961, after the trail of blood the Soviet empire had left all over Eastern Europe, Sartre still felt capable of writing, "An anti-Communist is a dog; I don't change my views on this, I never shall!"

In his case the absence of norms followed directly from the existentialist idea of freedom that excluded universal moral principles. In politics, Sartre had written, the possibility of doing "wrong" (however defined) could neither be foreseen nor avoided. Moreover, an act cannot be judged by criteria extrinsic to the situation in which it occurs. Whence, then, the moral imperatives, more absolute than Kant's, to fight on the leftist front? Whence the apodictic distinction between right and wrong? "Everything," Judt tells us, "was classified in Manichaean terms: Communists/capitalists, Soviet Union/United States, right/wrong, good/evil, them/us. *Tertium non datur.*"

The term Manichaean is particularly appropriate for defining a moral disjunctivism that originated in a typically French search for that absolute "purity" of which Robes-





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pierre and Saint-Just had set the standards. The inconsistency between Sartre's absolute demands and the exclusion of moral absolutes presupposed by his philosophy was blatant. It became the main reason why Merleau-Ponty later broke with him. Even if one granted the political ideal of Marxism as an absolute that required no foundation, the double standard in applying the norm of purity introduced a second problem of ethical consistency. To claim that capitalism is wrong in principle and in fact, and that Soviet Communism is right in principle while its fact cannot be judged by the tainted conscience of the West, is a priori to condone all Communist crimes and give the Soviet Union free range on the basis of a very dubious promissory note.

DESPITE ITS high visibility, Marxism may not have been the only, or even the principal, issue in the political debate. Judt implies that for most of the participants, Soviet ideology was primarily the positive face they put on their essentially negative feelings about America. "The overwhelming majority of writers, artists, teachers, and journalists were not for Stalin; they were against Truman." I doubt that this was true in the case of Sartre and Merleau-Ponty, but at least one factor argues in support of the general thesis: leftist intellectuals possessed a very limited knowledge of Marx's theory and even less of Lenin's, nor did they evidence interest in acquiring any. As for their anti-Americanism, it remained a complex and highly ambivalent feeling. All Frenchmen knew that the Americans and no one else had liberated them from German oppression. But they resented the fact that *others,* particularly the culturally inferior Americans, had to bail them out and, that, in the foreseeable future, they would depend heavily on U.S. military assistance. Moreover, the actual liberation had been preceded by air strikes on French targets. (I remember how, long before the 1944 landing, the terror of nightly allied raids eventually turned much of the population as strongly against their liberators as against their oppressors.)

Yet what galled Parisian intellectuals more than anything else was the powerful influence of a lifestyle that they saw as a threat to the intellectual refinements of French culture. They viewed the American as a dangerous innocent, confidently imposing his simplistic political and moral norms as well as his disrespect for intellectual subtlety upon their own millennial civilization. Americans had arrived in Europe, so they thought, as apostles of a new doctrine and a new way of life, no less than as rescuers. They were bent on eradicating the evils endemic in the old world and replacing them by the healthier habits of the new one. They immediately attacked French colonialism and defended the independence of colonies that were causing France so many problems. Even the usually moderate François Mauriac was brought to exclaim: Who are the Americans, who exterminated an entire people, to lecture us?

In a more subtle way, French intellectuals found it hard to swallow the lack of cultural sophistication in the public life of those who were now dominating their own. American films and pocket books began to flood the Continent and, whatever their quality, proved to be highly popular. Says Judt, "For a multitude of reasons, the intellectual in America has no purchase upon the public mind, not to mention public policy. Thus there was (and remains) about the United States something profoundly inimical and alien to the European and French conception of the intellectual and his or her role." (This perception changed considerably when President Kennedy brought his Harvard professors to power and when Jackie addressed the Parisians in French.)

IN AN incisive chapter entitled "Liberalism, There Is the Enemy," the author analyzes one factor that played a major role in the rise of postwar radicalism, namely, the absence of a genuine political liberalism in France. Another—which came with the Third Republic but had precedents in the revolutions of 1789 and 1848, i.e., France's radical secularism—the author does not develop, though it is implied in his references to intellectual leftism as "a faith." The history of the term liberalism in France is hard for the American mind to grasp. How could an idea that originated in Britain come to assume a meaning exactly opposite of its native one? Was the French Revolution not inspired by Rousseau and Voltaire, both of whom drank deeply from British wells? Indeed, the idea that individuals have rights assumed an even more radical expression in 1789 France than it had in 1688 England.

All this is so, but as Judt points out, French rights were grounded in universal principles the application of which was fixed from the beginning, "virtually impermeable to new claims and new interests." Because of the long tradition of a centralized sovereign state, the rights were immediately and definitively translated into a political system of which they provided the legitimation. In Britain, and even more so in the U.S., rights were invoked *against* the possible abuse of state power. The makers of the French constitution had a more ambitious goal in mind than the resistance of political intrusion. "[They] were not only asserting their authority to rule, they were also seeking to govern, and to do this meant that they had somehow to restrict the very rights that they had just invoked."

LATER ATTENTION would increasingly focus on those governmental restrictions. Socialists who began by advancing the socially unfulfilled claim of the revolution—*égalité*—felt that in fact the theory of individual political rights had become a weapon in the hands of the ruling class to maintain the status quo. They also invoked the theory of rights, not the individual protection clauses engraved in the French constitution, but the right of human nature to form a genuine society of all its members. The often violent polemics initiated by these differ-

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ences left France with two extremes: the right, which remained powerful and, in the wake of the havoc the Revolution had created, wanted to undo most of the Revolution's accomplishments, and the left, which repudiated the restrictive theories and institutions that had resulted from the idea of rights. The position between those two extremes remained mostly unfilled in France. The Third Republic had in fact attempted a compromise, but its moral bankruptcy (or what was perceived as such) once again drove the antagonists to the right (*Action française* and Pétain) and to the left (the Soviet Union). The elements for a much needed liberal vision such as existed in the U.S. and Britain were simply not available. In addition, the right had become hopelessly compromised by collaboration during the war.

AS NOTED, a second factor not developed in Judt's study is the aggressive secularism of French public life. The unconditional commitment of French intellectuals to communist ideology gave them a substitute for a lost religious faith. Political and cultural life in France had followed an almost straight secular course, from the anticlericalism of the 1789 revolution to the virulently anti-Catholic laws of the Third Republic under Combes and Waldeck-Rousseau. As leftism had become a political imperative after the collapse of fascism, secularism had been the cultural imperative for a long time. There were exceptions: Mauriac never obeyed either imperative. Most surprising is the position of the *Esprit* group, leftist Catholics, some of whom had originally followed Pétain. Their leftism was not secular but inspired by a religious commitment. But the great majority of postwar intellectuals were non-Christian, some of them aggressively so (Sartre and his companion being prime examples).

While the leftist Catholics in the end were able to distinguish between their faith and the political cause it inspired them to embrace, convinced secularists had no basis for relativizing their political engagement, even when the increasing horrors invited them to do so. Eventually the moral integrity of men like Camus and Merleau-Ponty forced them to abandon the Soviet camp, but not without causing a serious personal crisis. Sartre and de Beauvoir remained fervent believers to the end. Their persistent devotion to the Party (of which they never, by the way, became members) is all the more remarkable as it remained mostly unrequited. The communist ideologues attacked them at every occasion. But, as Judt graphically expresses it, "The more the driver sought to throw off these enthusiastic fellow-passengers, as the vehicle lurched and reeled along its dialecti-

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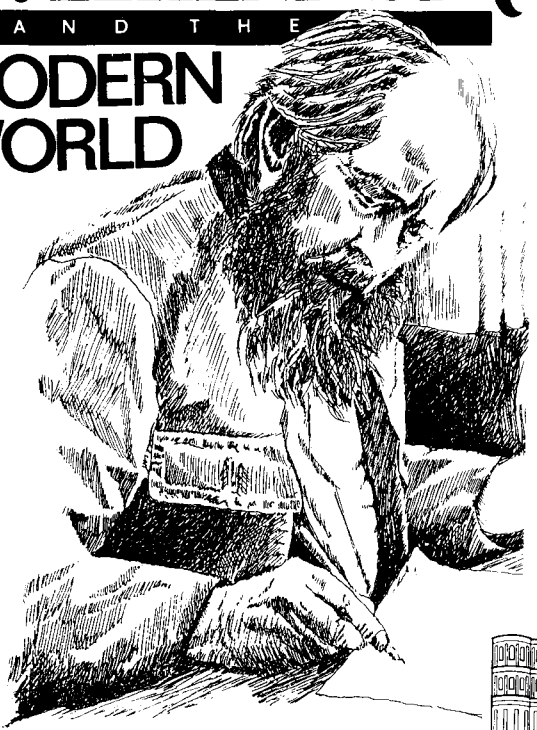

by Edward E. Ericson

". . . a suggestive, rewarding reassessment of Solzhenitsyn's work."
—Publishers Weekly

"Edward Ericson has produced the fullest, most definitive, and most sensible work yet on the whole matter of Solzenitzen's impact and views."
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"Solzhenitsyn is arguably the greatest spirit living today. Ericson pays his tribute and makes us understand."
—William F. Buckley, Jr.

Ericson explains Solzhenitsyn's views on the West, democracy, and nationalism, topics about which there has been great confusion, and analyzes thoroughly his most politcally programmatic essays, "Letter to the Soviet Leaders" and "Rebuilding Russia." He concludes by showing how Solzhenitsyn and his devotion to Christianity have influenced the modern world and helped point the way toward a more hopeful and humane future.

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cal path, the more they clung on and swore that they would never abandon the journey." Of course in the end the journey itself was called off.

IT IS TOO early to draw general conclusions from this story, and Mr. Judt prudently abstains from doing so. Nevertheless, in his penultimate chapter, "Gesta Dei per Francos," he alludes to the crisis in the French consciousness which this strange episode in the country's intellectual history discloses. At the moment of France's greatest national self-doubt its intellectuals made a desperate effort to reassert its moral and cultural authority. They could no longer present their country as the political model of the world or as the cultural center of the universe—as French writers had tended to do in the past. The political, moral, and even cultural point of gravity had irresistibly shifted westward. French ceased to be the *lingua franca* of civilized people around the world. Yet France's intellectuals could still resist that shift by abruptly turning in the opposite direction and providing a clearinghouse for the ideas of a power that had been culturally and politically remote from its traditions.

For a while they succeeded in their purpose, albeit at a steep price of moral and intellectual integrity. Once again they positioned Paris at the center of the Continent, where the barbaric mixture of Marx, Lenin, and Stalin was made intellectually respectable. That the French intellectuals were able to impose their ideas upon intellectuals all over the world was in large part a tribute to the impressive philosophical and literary achievements that preceded or accompanied the political writings. Those achievements granted them an authority they could invest in any cause worthy of their talents. That they used it for pursuing a political goal that conflicted with the moral and spiritual ideals to which France owed its lofty position showed how deeply the country's confidence in its own destiny had been shaken.

The Swedish Syndrome

THE CULTURE OF DISBELIEF: HOW AMERICAN LAW AND POLITICS TRIVIALIZE RELIGIOUS DEVOTION. By STEPHEN L. CARTER. *Basic Books. 328 pp. $25.*

Reviewed by **Phillip E. Johnson**

YALE LAW Professor Stephen L. Carter's first book, *Reflections of an Affirmative Action Baby*, opened with the arresting observation that "To be black and an intellectual in America is to live in a box." The labels on that box read: "Handle with care or be accused of racism," or "Do not presume the individual inside is qualified for his academic position," or possibly "Caution: black neoconservative, probably a nut case." Carter was most concerned to free black intellectuals from the box labelled "politically correct"—i.e., the assumption on the part of both blacks and whites that, since racial affirmative action exists to bring a "black perspective" into universities and other institutions, an "authentic" black will conform to a political stereotype.

In *The Culture of Disbelief*, Carter tries to declare independence from another confining stereotype, this time the requirement of *religious* correctness that applies to persons of all races who do not want the media and intellectual elites to label them as nut cases. When religion is defined as belief in supernatural intervention in human affairs, says Carter, the dominant liberal rationalist culture imposes "a common rhetoric that refuses to accept the notion that rational, public-spirited people can take religion seriously." Carter is himself a churchgoing Episcopalian who at one point refers to "the revealed Word of God, Holy Scripture." He and his wife send their children to a private religious school so that they can receive an education "that celebrates, not demeans, their religious beliefs," and he reports that "prayer is a crucial part of our family life." A seriously religious person himself, Stephen Carter aims to present "the case for taking religion seriously as an aspect of the lives and personas of the tens of millions of Americans who insist that religion is for them of first importance."

Peter Berger once commented that if India is the most religious country in the world, and Sweden the least religious, then America is a nation of Indians ruled by Swedes. The ruling philosophy of our Swedes is naturalism, the metaphysical doctrine that nature is a permanently closed system of material causes and effects that can never be influenced by something from outside—like God. From the Swedish viewpoint, the proposition that some supernatural being intervenes in nature or human affairs, or reveals its will through "Holy Scripture," is inherently nonfactual. The ruling Swedes might recognize that religious "feeling" is a legitimate aspect of human subjectivity, but they emphatically object when people act on the fantasies produced by this feeling to the detriment of other people, or when delusionary beliefs impede the achievement of important social objectives. Above all, they will not tolerate any effort by the Indians to replace naturalism—or rationality, as the Swedes think of it—with some superstition involving an imaginary Supreme Being.

THE SWEDISH colonial rulers in this metaphor comprise the American intellectual elite, including the law professors and judges who seem to be Carter's primary intended audience. For the most part Carter simply urges the rulers to treat the Indians with respect, and to grant them a bit more freedom in areas where important state policies are not genuinely threatened. Like most constitutional law professors, Carter is sharply critical of the Supreme Court's 1990 decision in *Employment Division v. Smith*. This decision held specifically that a state may enforce its drug laws against Native Americans who have a reli-

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gious obligation to ingest ceremonial peyote, and more generally that the constitutional protection of the free exercise of religion does not require the government to make exceptions to laws of general applicability for the benefit of persons who have genuine religious scruples about obeying them. Carter favors granting such religious exemptions where there are no compelling reasons for denying them, and notes that Congress is likely to pass a law to that effect. On such matters, the Swedes can afford to be kind to the Indians.

Treating people kindly is not the same thing as taking them seriously, however. When we take people seriously we grapple with their arguments, and consider the possibility that what they believe might actually be true. The Swedes are never going to take the Indians seriously in that sense, and when their vital interests are at stake, they are not going to be lenient either. What Carter calls the "religious right" in American politics represents a real challenge to Swedish power, and when he turns to this subject Carter loyally employs all the buzzwords of Swedish propaganda to crush the rebels. His chapter on the efforts of the Christian Coalition to elect candidates to local school boards is titled "Religious Fascism," although he says nothing about the agenda of the group that remotely justifies the use of that ugly word. Commenting upon the rhetoric at the 1992 Republican National Convention, Carter is as partisan and simplistic as a *New York Times* editorial writer:

> After the 1992 Republican Convention, which filled the air with the kind of cruel and divisive rhetoric which gives religion a bad name, Tom Wicker of the *New York Times* was led to draw an analogy between the antics of the religious right and the Salem witch trials of three centuries past. The comparison was apt, for the Salem trials, most historians now agree, rested on a societal distaste for those who were different, particularly when those who were different were women.

I ASSUME Carter must have in mind the most widely criticized speech at the convention, in which Pat Buchanan said that there was a "religious war" going on in America, and announced that "We stand with (President Bush) for freedom of choice for religious schools, and we stand with him against the amoral idea that gay and lesbian couples should have the same standing in law as married men and women. We stand with President Bush for a right to life, and for voluntary prayer in the public schools, and against putting women in combat."

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lic religious commitments seriously, Carter makes remarkably little effort to explain why statements of this sort might make sense to people who still believe in biblical standards of morality. His own book describes a cultural hostility towards supernatural religion that makes the reference to a religious war at least understandable, and I wonder if Carter himself really thinks that opposition to extending marital status to homosexual couples should be dismissed out of hand as bigotry. If it was cruel and divisive for the Republicans to support a right to life, what should we say of Democrats, who refused to allow Pennsylvania Governor Robert Casey to speak at all in favor of moderate restrictions on abortion? But the Democratic convention was conducted entirely in Swedish, and hence what was done there needs no justification.

It is when he turns to the debate over evolution and creation, however, that Carter most clearly betrays his ambivalence about whether he wants to be a Swede or an Indian. Here the issue is whether the Indians may tell the Swedish schoolmasters in the classroom why they don't believe the Swedish creation story. Regular readers of FIRST THINGS know that I have stirred discussion on this subject in a book in which I explain that a "creationist," in the important sense, is a person who believes that God creates, whatever he thinks of the literal Genesis account. The opposite of creation is not evolution, if the latter is consistent with a God-directed process, but *naturalism*, which happens to be the philosophy that justifies Swedish rule. If naturalism itself were called into question, perhaps by a debate in the educational institutions and the media in which the Indians were seen to discredit the Darwinian mechanism of mutation and selection, continued Swedish rule over the cognitive territory would be jeopardized. That is why the Swedes are so fiercely determined not to allow the debate to occur.

CARTER, who cites my book in his reference notes, remarks of himself that "I am no creationist—not, at least, in the popular sense." That circumlocution will baffle readers not aware of the background, but to me it implies that Carter is uncomfortably aware that, as a believer in a God who intervenes in worldly affairs, he is a creationist in the "*un*popular" (nonliteralist) sense. If that were frankly acknowledged, he could hardly condemn out of hand the creationist argument that a theory founded upon an a priori faith in metaphysical naturalism may not be true. Indeed, Carter does defend the creationists as sincere believers in a Bible-based epistemology. That is safe enough, however, because to Swedish ears it means only that they are sincerely committed to an absurdity.

The way to get into serious trouble on this issue is to suggest that the Indians might have rational arguments that deserve a fair hearing in a respectable forum. Carter is not about to jeopardize his own standing in the Swedish establishment by treason of that kind, and so he does exactly what he did with respect to the religious right's opposition to the gay and feminist agendas: he defers to a Swedish authority as if to an impartial judge. In this case the judge is Murray Gell-Mann, a Nobel laureate physicist and passionate creation-basher. On such authority Carter concludes that creationist arguments are "shoddy science, not science at all, really," and hence should not be heard in public schools. What he does not say, or perhaps understand, is that the Swedish definition of "science" excludes in principle any consideration that a creator might have been involved in bringing about our existence.

I hope my argument is not misconstrued as disrespectful to Swedes (my own paternal heritage), Indians (with whom I symbolically identify), or Stephen Carter. Carter is an intelligent and decent man who is having an important constructive effect in our insular academic world, where for all the talk of "diversity," one rarely hears any language but Swedish. I hope he writes many more books, and eventually breaks out of the most confining box of all, the one labelled "made in Sweden."

Traders and Raiders

SYSTEMS OF SURVIVAL: A DIALOGUE ON THE MORAL FOUNDATIONS OF COMMERCE AND POLITICS. By JANE JACOBS. *Random House. 236 pp. $22.*

Reviewed by **Mary Ann Glendon**

IN HER LATEST book, Jane Jacobs trains her genial, sparkling intelligence on a subject that is much neglected in our law-saturated society: the great webs of manners, customs, social sanctions, and informal understandings that undergird economic and political life. As Judith Martin (Miss Manners) has had occasion to point out in these pages, members of a society without well-developed systems of informal social regulation will tend to resort too often and too quickly to law, a crude, incomplete, and expensive substitute. With *Systems of Survival*, Jacobs becomes an eloquent contemporary proponent of Tocqueville's view that manners and mores are much more important than laws in sustaining the world's democratic experiments.

Jacobs makes a surprising claim—one that has been misunderstood by some reviewers. She contends that human beings have developed two and only two basic "systems of survival": a "commercial syndrome" and a "guardian syndrome." Each of these survival strategies has arisen and persisted, she argues, because it promotes material success in the way of life with which it is associated.

> Like the other animals, we find and pick up what we can use, and appropriate territo-

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> ries. But unlike the other animals, we also trade and produce for trade. Because we possess these two radically different ways of dealing with our needs, we also have two radically different systems of morals and values—both systems valid and necessary.

The "commercial syndrome" has its principal home among peoples who trade or produce for trade (though it is not coextensive with, or limited to, the world of business). The linchpin of the commercial syndrome is honesty, for the very good reason that trading systems don't work without a good deal of trust, even among strangers. Because traders' prosperity depends on making reliable deals, they set great store by policies that tend to create or reinforce honesty and trust: respect contracts; come to voluntary agreements; shun force; be tolerant and courteous; collaborate easily with strangers. Because producers for trade thrive on improved products and methods they also value inventiveness, and attitudes that foster creativity, such as "dissent for the sake of the task."

"Guardians" are modern versions of the raiders, warriors, and hunters who once made their livings through sorties into unknown or hostile territories. Today's guardians (usually more concerned with administering or protecting territories than acquiring them) are found in governmental ministries and bureaucracies, legislatures, the armed forces, the police, business cartels, intelligence agencies, and many religious organizations. Guardians prize such qualities as discipline, obedience, prowess, respect for tradition and hierarchy, show of strength, ostentation, largesse, and "deception for the sake of the task." The bedrock of guardian systems is loyalty. It not only promotes their common objectives, but it keeps them from preying on one another. They are wary of, even hostile to, trade, for the reason that loyalty and secrets of the group must not be for sale.

IDEALLY, says Jacobs, in any given society the commercial and guardian syndromes should coexist in separate, symbiotic relationships. Why separate? Because, according to Jacobs: "[C]razy things happen systematically when either moral syndrome . . . embraces functions inappropriate to it." It is as though each system has its own moral ecology that can be fatally disrupted by the introduction of foreign elements. Jacobs fears that the guardian syndrome may be gaining ascendancy in inappropriate places and that "systemic corruption" of both syndromes may be spreading. Systemic corruption, more intractable than random individual corruption, frequently takes the form of breakdown, with each system losing the ability to discipline its members or to check its own extreme proclivities. But it may also produce "monstrous hybrids"—like the Sicilian mutual defense societies that applied raiding methods to trading (Mafia), the Ik of southern Uganda who began raiding each other when they were forced from hunting into farming, or American investment bankers in the takeover era.

Now, summarizing Jacobs' ideas as I have just done can easily lead to misconstruing her enterprise. Any summary, no matter how carefully done, comes out sounding a bit like the horoscopes on the placemats in a Chinese restaurant. (Guardians respect tradition and authority. They can't stand criticism, even from their mother. If you are a guardian, you're apt to be a politician, a bishop, or a prison warden.) In Jacobs' book, however, the idea of two basic systems of survival emerges gradually from conversations among characters (created by the author) in a dialogue. Clearly, the relationship here between genre and substance is not accidental. A remark toward the end of the book by Kate, a biologist with an interdisciplinary bent, probably represents Jacobs' own reflection on her method. Kate says: "[T]ruth is made up of many bits and pieces of reality. The flux and change in itself is of

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the essence. Change is so major a truth that we understand process to be the essence of things."

Reading *Systems of Survival,* I was often reminded of another reason why some writers have chosen the dialogue form. In Plato's *Seventh Letter,* for example, he reveals why he never wrote any treatises or lectures on the questions to which he had devoted his life. Those great subjects, Plato explained, "cannot be put into words like other studies. Acquaintance with them must come rather after a long period of attendance on instruction in the subject itself and of close companionship, when, suddenly, like a blaze kindled by a leaping spark, it is generated in the soul and at once becomes self-sustaining." It is because Jacobs' book harvests the fruit of her lifelong reflection on human ingenuity (and on the settings that are conducive to human flourishing) that one keeps on thinking about her ideas in a way that one doesn't keep thinking about zodiac categories. But the fruit is not there for the picking. Her book is rather an invitation to participate in the conversation.

A misunderstanding of that fundamental point has led most reviewers to treat Jacobs' book as a kind of social horoscope, overlooking her Tocquevillean call to reflection on the present condition of our economic and political mores. What *is* the current state of the great web of understandings that undergirds relations among those who trade and produce for trade in our society? How well are we doing at restraining force, fraud, and unlimited greed in commercial life? What is the current state of America's guardian cultures? How can the persons who perform those essential roles be kept from running roughshod over personal plans, property, and freedoms?

ANOTHER MISUNDERSTANDING, perhaps arising from Jacobs' use of the ambiguous word "moral," concerns the scope of her inquiry. Thus Alan Wolfe, writing in the *New York Times,* takes Jacobs to be arguing that "there are no more than two moral systems." Early in the book, however, Kate explains that, in addition to the two clusters of traits characteristically associated with the two different ways of making a living, there are several "universal values" such as cooperation, faith, mercy, patience, and wisdom that are prized in all sorts of settings. And, Kate adds, "in conduct of personal life, too, for that matter, not just in working and public life." But the discussion leader, a publisher named Armbruster, requests that the group concentrate on economic and political life. They agree to leave to one side those moral systems that are about making a life, as distinct from making a living. In the domains to which they devote their attention, what is striking is that, when the "universals" are subtracted from the qualities prized in different occupational specialties, one is left with two remarkably different lists of qualities.

The conversation meanders toward a conclusion that seems to belong to the domain of practical epistemology. In complex modern societies, the discussants agree, raiders and traders cannot simply go their symbiotic respective ways in their separate spheres. Since interaction is unavoidable, contemporary liberal democracies need more individuals who are "morally flexible enough to adapt to either syndrome as need be, and knowledgeable enough to know the difference." The participants note that this is not an impossible feat—lawyers, for example, often shift from guardian roles in adversarial situations to trader roles in other facets of legal work. (The idea that lawyers might be intelligently ethically ambidextrous, rather than merely ethically versatile, is one that should endear Jacobs to members of the legal profession.)

Those who are interested in "first-order" questions, though, may be disappointed in Jacobs' book, for her characters are resolutely concerned with second-order problems. Their questions are not about the good life and how to live it; they are about comfortable self-preservation and what sorts of strategies have historically been effective in promoting it. Still, if mere life in reasonable comfort is not the *summum bonum,* neither is it to be scorned. In illuminating the informal understandings upon which we all unconsciously rely, Jacobs reminds us of the fragility of much that we take for granted. The question that will occur to readers of FIRST THINGS is: What is the condition of the first-order moral foundations that undergird the second-order guardian and commercial syndromes?

JACOBS brushes up against that question occasionally, as when Jasper, a writer of crime novels, warns that neither honesty nor loyalty comes naturally; both depend on constant inculcation and watchfulness. But who is doing the inculcating, and who is watching? Jacobs' own confessed partiality for trader values seems to incline her toward a universalistic individualism that makes it hard for her to carry through on the full implications of her own argument that the trader cultures she admires are at risk without the presence in society of groups that exalt qualities she really doesn't like at all. Guardians aren't particularly tolerant, egalitarian, or much interested in dissent.

So we have in *Systems of Survival* a conversation among a group of likeable, intelligent, sociologically minded, modern men and women who arrive at, and shrink from, the disturbing and paradoxical insight of the great social thinkers: that trader (liberal democratic) society may be dependent on the maintenance in its midst of some very non-liberal institutions—such as religious groups with strong truth claims. Yet if her main thesis is correct, it is highly relevant to current controversies over the family and the military, for her message is that to reorganize these irritating (to traders) but necessary groups on liberal principles may be to destroy them, and to undermine liberal society in the process.

One matter this reader would have liked Jacobs' discussants to ad-

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dress is the role that such processes as rationalization, bureaucratization, and the "liberation" of the individual from family and group ties have played among the deep causes of what Jacobs calls systemic corruption. The guardian and trader syndromes described by Jacobs are, above all, social and relational phenomena, dependent on widely shared understandings. A lone raider is no raider; a lone trader is no trader. Thus, what Jacobs describes as the spread of the guardian syndrome may be something worse: the spread of individual raiding behavior unchecked by informal social constraints of any sort. Perhaps that's what she means by systemic corruption. But if so, the causes may be more directly traceable to the above-mentioned features of modernity than to the careless mingling of guardian and trader cultures.

Jacobs' approach to the riddle of social causation, however, is of less importance than her elaboration of the point that "the great web is in a deplorable state." Of course, if she is right about the persistence of survival strategies, new guardian and trader cultures are probably already forming somewhere. But what rough beasts are slouching toward New York, Tokyo, and Brussels to be born?

Getting It Wrong

LIFE'S DOMINION: AN ARGUMENT ABOUT ABORTION, EUTHANASIA, AND INDIVIDUAL FREEDOM. By RONALD DWORKIN. *Knopf. 273 pp. $23.*

Reviewed by **Russell Hittinger**

"IT IS A MAJOR theme of this book," Ronald Dworkin writes at the outset of *Life's Dominion*, that the abortion debate "is based on a widespread intellectual confusion we can identify and dispel." "Once the confusion has been identified," he says, "we will see that a responsible legal settlement of the controversy, one that will not insult or demean any group, one that everyone can accept with full self-respect, is indeed available."

The "confusion" concerns two quite different positions regarding the responsibility and authority of government in respect to protecting human life. Not surprisingly, these, in turn, stem from the different ways in which human life can be valued. On the one hand, it can be valued in terms of the sentience that renders a life capable of bearing "interests" and "rights." On the other hand, human life can be valued as "intrin-

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sic," "sacred," or "inviolable," even when that life is not the bearer of interests and rights.

Dworkin dubs arguments based on the first position "derived" objections to abortion. Assuming that the fetus is a creature with interests, and hence rights, no one could consistently hold that government cannot protect the life of the fetus. In fact, it would seem that government must protect its rights. This position is "derived" insofar as the duties of government are taken from the principle of rights. The "detached" objection starts from the premise that human life is "sacred" or "inviolable." Putting the case in this way means that taking a human life is not wrong because it is "unfair" but solely because it is an "intrinsically regrettable" action that fails to honor and admire the value of life. Dworkin calls it the "detached" position because the obligation of government is not "derived" from rights.

With these definitions in place, we now can summarize the course of Dworkin's argument. "[W]e cannot understand the moral argument raging around the world," he proposes, "if we see it as centered on the issue of whether a fetus is a person." Fetuses do not have sufficient neurological development to have "interests," and therefore cannot be bearers of rights. Dworkin repeatedly insists that "very few actually believe" the premises of the derived objection. As evidence for this allegation, he cites polls indicating that a large part of the citizenry, both in America and abroad, believe both that abortion should be legal and that abortion is, in one sense or another, morally wrong. Since reasonable people could not hold that abortion is murder *and* that government ought not to proscribe it, Dworkin concludes that "most" people believe that abortion is morally wrong for reasons independent of the "derived" position. That is, they really hold a "detached" objection. Therefore, an answer to the abortion problem must stand or fall on the soundness of the "detached" objection.

CAN THE political community rightly make these intrinsic values a matter of collective decision? In short, can the government prohibit or strongly regulate abortion for the reason that abortion offends the sanctity (though not the rights) of human life? Dworkin's answer is no. But why not? After all, government uses its coercive power and monetary resources to protect and promote all kinds of intrinsic values, from wilderness areas to valuable works of art. Dworkin contends that procreational liberty is different because it involves a judgment of religious conscience. Therefore, citizens have a First Amendment right to exercise their own religious conscience in this profound and troubling matter. In summary, Dworkin purports to have clarified, explained, and possibly resolved both the popular mind and the mind of the Supreme Court on the subject of abortion. Government can weigh in on the debate about the sanctity of life only insofar as it places no "undue burden" in the path of a woman seeking an abortion. Government can express reverence for life by means of some regulations, so long as they do not unduly touch upon the exercise of the right.

At his best, Dworkin is able to sharpen arguments on all sides of a given issue. Sadly, both in its conception and execution, *Life's Dominion* is not Dworkin at his best. There is no careful analysis of the case law, no competent analysis of the philosophical premises and arguments of his opponents, no distinction between the variety and authority of sources. The position of the Catholic Church, in particular, is so misrepresented by Dworkin as to be almost unrecognizable. Nor is the book well argued. Positions are identified and evaluated according to such boilerplate as "very few actually believe," "most people," "for almost everyone," etc. Supreme Court dicta and opinion polls, indeed, even stories from Irish tabloids, are marshalled willy-nilly for the purpose of their rhetorical weight. Indeed, the argument, such as it is, is entirely rhetorical.

True enough, the middle three chapters of the book, consisting of his exposition of the legal issue of abortion, are clear and straightforward. To no one's surprise, Dworkin defends the *Roe/Casey* Courts' jurisprudence of abortion. But even here, one would do better to read his other published work on the subject, including his occasional essays in the *New York Review of Books*.

Nevertheless, there are aspects of his "argument" which, however clumsily handled by the author himself, bear some notice and comment. Of particular interest is his understanding of how religion bears upon the moral and legal facets of the abortion debate.

DWORKIN's bid to clarify and resolve the abortion debate depends almost entirely upon his characterization of the so-called "detached" objection. For it is precisely in this respect that Dworkin claims to disclose something about the problem that we do not already know—or do not know clearly enough. What he intends to show is that on all sides of the debate, we have a common reverence for the intrinsic value of life.

Examples of intrinsically valuable things that can or ought to be honored include human ova, works of art, traditional crafts, flags, and endangered species. What all these have in common, at least in Dworkin's view, is a certain inherent value that transcends the interests of particular rights-bearing persons. Hence, those who hold the detached view will argue, whether they realize it or not, that government has the responsibility and authority to prohibit or regulate abortion in order to protect or promote the sanctity of human life. Again (whether they realize it or not), opponents of abortion are not making arguments about justice but rather about other ends that government ought to serve.

Assuming for the sake of argument that many or most people do actually hold a "detached" objection to abortion, Dworkin still does not make the "detached" position very plausible. Why would someone

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press the "detached" position so insistently in the public forum of justice? It is not difficult to understand how certain aesthetic and quasi-religious conceptions of global ecology, art, and national symbols can spill over into the political arena, and once there, become confused with strict issues of justice. In our political and legal culture, any number of issues bearing upon the common weal get confused with issues of rights. But we should recall that legal restrictions on abortion prior to 1972 were at criminal law. It is dubious that this represented a confusion between "derived" opposition to abortion and legislative desiderata about values other than justice that government ought to promote. Citizens who desire more wilderness areas ordinarily do not make their case at the level of criminal law.

Moreover, scholars have long noted the fact that social movements like abolitionism, temperance, and feminism were symbolic crusades, urging moral reform at the personal and domestic as well as national levels. So, too, we should not be surprised that both the anti-abortion and pro-choice movements would have multiple aims encompassing quite different kinds of rhetoric. The pro-choice position, for instance, is hardly a mere argument about constitutional rights. Dworkin, however, does not allow hybrid positions. By definitional fiat, opposition to abortion must be either a derived or a detached position.

With respect to the Catholic opposition to abortion, the usual cast of suspects is cited in support of the idea that the Church's authentic mind consists solely of a detached view: e.g., Garry Wills, Mario Cuomo, and Father Donceel, to mention only a few. Incredibly, Dworkin also quotes (selectively) from Cardinal Bernardin, Pope Paul VI, the late Paul Ramsey, and Richard John Neuhaus to support his contention that "most people" having principled reasons against abortion actually hold a detached rather than a derived position. That is to say, the opposition rests solely upon reverence for life rather than a commitment to justice for human persons.

Precisely what is a person? Dworkin insists, without much argument, or, for that matter, without much originality, that a person is an entity having "personal," viz., self-conscious, "interests." Since he also maintains that the definition of personhood is "practical," resting on how we think persons ought to be treated, either at law or at the bar of common opinion, the definition certainly appears to be circular. In more than one place, Dworkin speaks of rights being "acquired." If indeed rights are acquired, why can't they be attributed; and if attributed, why not to the unborn?—except, perhaps, that the Supreme Court has rejected the more inclusive point of view. Clearly, this appeal to the authority of the Court cannot count as a philosophical answer to the problem of who ought to have rights, and how they are grounded. In any case, the author provides no careful consideration of alternative understandings of personhood, particularly alternative conceptions held by those traditions and constituencies that Dworkin claims hold a "detached" opposition.

Having contrived the distinction between "derived" and "detached" opposition to abortion, and having insisted the most people confusedly hold the "detached" view, Dworkin then mounts his argument against imposing the "detached" view *sub lege*. Estimations of the value and sanctity of life, he argues, are necessarily "controversial" and "contestable." Why these ideas are more controversial and contestable than the "rights" discerned and imposed by the Court, or why the fact that something is controversial should be a criterion for either moral or legal purposes, are questions he does not bother to address.

Dworkin's main argument against governmental intervention in the sanctity of life debate is that the sanctity of (human) life, in contrast, say, to the intrinsic value of a hoot

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owl, necessarily enters into an agent's conception of the value of his own life. As Dworkin puts it, "Each person's own conception of what that idea means radiates through his entire life." Here, then, is the nub of his case. Estimations of the sanctity of life are "essentially religious."

THUS, what began as a clear, though somewhat contrived, distinction between "derived" and "detached" is re-absorbed into another "derived" position, this time on behalf of the fully, or adequately, sentient citizen: namely, citizens have a First Amendment right to freely exercise their "religious" judgments about the sanctity of life.

Of course, Dworkin proceeds as though he has an easy fund of evidence in the case of conventional religion. He finds any number of ecclesiastical documents and position papers which declare that life is sacred by dint of its divine creator. He selectively quotes religious spokesmen to the effect that abortion wrongfully frustrates and dishonors the divine design.

These quotations, however, are so egregiously selective that one is at a loss to explain Dworkin's mind. As noted earlier, he construes Vatican documents on the issue to reflect a "detached" argument; and even when the quotes clearly indicate that their aim was to explicate reasons for the injustice of abortion, Dworkin is forced to surmise that they are confused. For example, the fact that Vatican doctrine on abortion has become more specific and detailed over the centuries is interpreted by Dworkin to suggest that the newer statements cannot be authentic Catholic doctrine (not, of course, in the legal sense, but "authentic" in the philosophical or theological sense). Cardinal Ratzinger will be surprised to learn from Dworkin that his argument in *Donum Vitae* (1987) is not adequately grounded in "traditional Catholic theology" precisely because the Prefect of the Congregation of the Faith emphasized "rights."

One can grant to Dworkin that there is some germ of truth to the idea of the confusion of "derived" and "detached" opposition to abortion in the case of the so-called "seamless garment" position. The notion of a "seamless garment" encompassing all the different aspects of "respect for life" perhaps does not adequately explain differences between the moral wrong of killing the innocent (e.g., abortion), the moral wrong of taking life for whatever other reason (e.g., capital punishment), and the moral wrong of having a vicious disposition about matters of life and death. Furthermore, the "respect for life" position is often communicated as part of a public relations campaign, the point of which is to frame the pro-life message in less threatening code words. For the purpose of tee-shirts, buttons, and television commercials, "Choose life, it's natural," is a code for "Don't murder, it's morally wrong." Frankly, the only thing more naive than the public relations gimmick itself is someone who would take it literally as the complete moral doctrine of the Church. Be that as it may, the ecclesiastical officials such as Cardinal Bernardin who advocate the "seamless garment" have not argued, at least to my knowledge, that the moral wrong of abortion consists only in the fact that the sanctity of human life is not adequately respected.

THROUGHOUT the book Dworkin assumes that anyone who would give ontological reasons for the value of (all) human life must ipso facto be giving reasons unrelated to the subject of justice and rights. That someone might point to or assert as fact that human life is created by God is reason enough for Dworkin to conclude that the argument is intended to follow the path of a detached position. For example, Dworkin quotes the late Paul Ramsey to the effect that human dignity (also for the fetus) rests chiefly on its subordination to God rather than in rights or even in the ontological status of the fetus, considered simply in itself. Dworkin does not consider the fact that Ramsey was speaking of what he, Ramsey, regarded as a tough case: viz., the morality of intrauterine contraceptives. In tough cases, one can expect a theologian to revert to more general theological convictions to get his bearings. Nor does Dworkin pause to consider the specifically theological context of Ramsey's admonition, which concerns the proper ordering of values in charity and in life freely bestowed. This is not meant to exclude duties of justice. Even a cursory reading of Ramsey's work on just war would make the point clear enough.

One who cannot distinguish between moral admonitions concerning the creature's proper relation and duties to God, and discussion of the details and problems of human justice, is simply not prepared to read classic texts in Christian theology. Whether Catholic or Protestant, traditional Christian theology does not take its point of departure from the "rights" of creatures. In fact, the theonomous ethic advocated by theologians like Ramsey represents something very nearly the opposite of Dworkin's notion of a "detached" argument which proceeds from an affirmation of the intrinsic value of creatures under some vague rubric of "sanctity."

THE POINT here is not whether someone agrees with the Christian tradition, much less the tradition represented by Ramsey. Rather, the problem is whether in the first place he understands what he is reading. To be fair, theology is not an area of Dworkin's expertise. Unfortunately, rather than being doubly careful on that account, Dworkin pushes ahead, confidently informing the reader on the real meaning of the religious traditions and doctrines, while forcing them to mean something different from what they say.

If it is true that Christian theology has obfuscated the issue of abortion (and one can admit that some theologians have obfuscated issues in the past), Dworkin is singularly unprepared to tell us why this is so. One suspects that the real issue for

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Dworkin has nothing immediately to do with his expository device of derived and detached positions, but rather concerns whether or not an argument depends upon, is related to, or is a component part of, revealed theology. Had Dworkin argued that religious opposition to abortion rests entirely upon premises drawn from revelation, or that the opposition to abortion is derived from a divine command, he would have been able to clarify where things stand without playing the role of Procrustes who must cut positions down to fit his categories of "derived" and "detached." He might have argued that while the religious opposition to abortion is authentically an argument about justice, the premises of the argument cannot count as public reasons in our polity. But to pursue this lead, Dworkin would have had to sort through the different ways these theological traditions distinguish between faith and reason. Dworkin did not do his homework in this area, and the credibility of *Life's Dominion* suffers as a result.

From the secular side, Dworkin's understanding of the "religious" nature of the debate relies mostly on various and sundry Supreme Court dicta. When citing the documents of religious traditions, Dworkin almost never attends to the context of the quote. In the case of the Court, however, he is on firmer ground. His analysis of what the Court means when it speaks of religion is quite accurate. The *Seeger* (1965) case, for example, defined religion very generally to include whatever has "a place in the life of its possessor parallel to that filled by the orthodox belief in God." It is also true that Justices Stevens, Souter, and Blackmun have used this accordion-like definition of religion for purposes not only of First Amendment liberties, but also in their jurisprudence of abortion.

Not surprisingly, then, Dworkin makes a beeline for the dictum of the joint opinion in *Planned Parenthood v. Casey* (1992): "At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life." The joint opinion in *Casey*, he notes approvingly, is "studded with religious allusions." Here Dworkin is, literally speaking, correct. But what is the upshot?

Among other things, the upshot is that Supreme Court dicta count as a public philosophy. Dworkin argues that this liberty of self-definition, so "fundamental to our overall moral personalities," is basically the right to be immune from the imposition by the state of any "detached" position concerning the religious meaning(s) of the sanctity or inviolability of human life. Were the state to impose a conception of the sanctity of life, it would be a "bleak day"; for as Dworkin explains, "It would mean that American citizens were no longer secure in their freedom to follow their own reflective convictions in the most personal, conscience-driven, and religious decisions many of them will ever make." Dworkin's rhetoric often paraphrases Court dicta, especially those of Justice Blackmun, which in turn often contain some paraphrase of an idea taken from law professors like Professor Dworkin himself. One is reminded of the medieval reliance upon collections of etymologies that could be recycled for nearly any purpose or argument. The fact remains that Dworkin provides no philosophical argument for this broad conception of religious conscience.

Life's Dominion begins with the ominous remark that abortion has ignited a new religious "war" as terrible perhaps as the seventeenth-century wars, when humans killed each other in the name of religion. Dworkin invokes both the specter of fundamentalism and the nefarious

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means by which the Catholic church "orchestrates" political opposition to abortion. The reader realizes at the outset that this book has a rendezvous with religion.

It is perhaps a measure of how far we have come in the modern experiment that citizens must now, according to Dworkin, enjoy a fundamental right to kill other human beings in the interest of protecting their religious liberty. Nor is this being ironic—it is, in fact, his position. He has framed the problem in such a way that there can be no other conclusion but that the good of religion requires citizens to have liberty to use, at their private discretion, lethal force against other members of the species. Many religious people will be as horrified by this idea as by the problem of abortion itself. It is hard to imagine that the peace of the Republic will be made secure by mixing religion and rights together in justification of lethal behavior. Unfortunately, this is precisely what is being advertised in this book as light at the end of the tunnel of the abortion debate.

While we must take Dworkin at his word, that he wants to find a resolution of the issue that "everyone can accept with full self-respect," his religious argument only raises the stakes of the debate. If nothing else, Dworkin has given the proponents of the Religious Freedom Restoration Act (RFRA), debated in the pages of this journal, fresh reason to reconsider the wisdom of such a measure.

Undoing the Self

THE PASSION OF MICHEL FOUCAULT. By JAMES E. MILLER. *Simon & Schuster. 491 pp. $27.50.*

***Reviewed by* Ben F. Meyer**

BY 1971, when Dutch TV in the U.S. staged a discussion between Noam Chomsky and Michel Foucault, both were stars in the firmament of new left politics. Arthur Schlesinger, spokesman for the old left, after an ironic "rah, rah, rah for Professor-Doctor Chomsky," acidly commented that "in linguistics he may be a genius, but in politics he's a hysteric."

By the time of his meeting with Foucault, Chomsky had settled easily into his role of resident extremist; so he was appropriately stunned at being far outflanked on the left. Later he commented, "I'd never met anyone so totally amoral." The utopian anarchist with the furrowed brow had been treated to a dose of Foucault's considered views: no human nature, no social models, no justice, no law, no responsible human subjects. "One makes war to win, not because it's just," Foucault explained. And if the winners exercise bloody violence on the losers, "I can't see what objection one could make to that."

"Justice versus Power" was the title given the revised text of the program by the Dutch editor, an anarchist who paid Foucault partly in hasheesh (later referred to among Foucault's Paris pals as "the Chomsky hash").

To say that this episode belonged to Foucault's Maoist period (1968 to 1975) is true but perhaps misleading. At no time did Foucault affirm the responsible self or a valid moral order. When in 1975 the French "new philosopher" André Glucksmann acknowledged that the left could be as vicious as the right, and spoke of the "the fascism within us all," Foucault agreed. This modified his view of power, but did not diminish his disdain for morality, humanism, and the like. These were among the concerns he had always held against the man who was the left's cultural arbiter, Jean-Paul Sartre.

BORN IN 1926 to a bourgeois family in Poitiers and educated there until near the end of the war, Foucault moved to Paris in 1945 to prep for the Ecole Normale Superieure, which he entered in 1946. Tortured by guilt and shame rooted in his homosexuality, he attempted suicide in 1948. More attempts followed. From this time until the events and publications that made him a public figure in the 1960s, Foucault served a hard, often unhappy apprenticeship: Communist Party membership (1950-53); a failed first try for the *agrégation* (competition for the recruitment of academics in lycées and universities), but a high-scoring second try; 1952-55 as assistant at the University of Lille; self-exile to Uppsala and other foreign parts in the middle 1950s.

Foucault was ambitious and industrious. His first work (on mental illness and personality, 1954) was timid and had not drawn much attention. He sounded a more independent note during that same year with his introduction to the translation of an essay by Ludwig Binswanger. In Uppsala, Foucault drew on archival research to produce his first success, *Madness and Civilization* (1960; English translation 1965). After the generation dominated by Sartre, this book—and even more its follow-up *The Order of Things* (1966; ET 1970)—signaled the arrival of a new generation of French intellectuals, some older than Foucault (Louis Althusser, Jacques Lacan, Roland Barthes), and a few younger (including Jacques Derrida). This changing of the guard was stabilized by the students' carnival-revolt of May '68.

In the wake of the latter event, Foucault, together with an unlikely set of leftist colleagues, found himself called on by the Minister of Education to help build the new university of Vincennes, designed to attract and satisfy the rebels. Foucault put men of imagination and interdisciplinary pursuits in the senior positions in philosophy and filled the junior faculty with Maoists. In 1970, with crucial help from Georges Dumezil, a historian of ancient religions who had befriended him in the fifties at Uppsala, he was elected to the faculty of the College de France. Foucault had arrived.

Under the influence of a compan-

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ion with whom he shared the last quarter-century of his life, he also began a partly secret fun-career as Maoist activist: engaging in a movement for prison reform (essentially for the Maoists in prison), with the usual strategy sessions and publicity stunts, sharing the excitement of the famous riot in Attica followed by prison riots in France. As it turned out, however, all this quasi-secret Maoism was—like the structuralism that he along with the likes of Lacan, Barthes, and Althusser had energetically promoted for a few years—just a game. After the famous turning against the pro-Soviet Sartrean left by Glucksmann and others, he seemed to reach some kind of turning point of his own. In May of 1975, he dropped Maoism without regret.

For him the turning point was an LSD epiphany in Death Valley, California, which changed his thinking on the central subject of his life, namely, identity and sexuality. Something in drug-induced states seems to produce the conviction of having experienced deep thought and arrived at deep truth. "So this is how things really are!" Aldous Huxley had marveled repeatedly during a mescaline session a generation earlier. Malcolm Lowry claimed to see visions of a new life. Foucault's experience, too, was intense. Tears streamed from his eyes. You can't go home again? "We *must* go home again."

The nearest parallel to this Death Valley event, he said, was another "limit-experience": sex with a stranger, as in the bathhouses of San Francisco. One element of the impact of Death Valley was that Foucault abandoned hundreds of pages of rough drafts of his history of sexuality and started from scratch. He had promised a major work; he now worked hard on it, without announcing that he was starting over. As the years passed, the unfinished book, and Paris itself, became a burden. He was more and more drawn to the gay community and its sado-masochist subculture in San Francisco. He thought of moving to California, and arranged to spend at least two months each year in Berkeley.

AIDS appeared in 1980, was named in 1982, and elicited the watchword "safe sex" among San Francisco gays in 1983. Foucault was at first unimpressed, then drawn to think of the danger of AIDS as a "limit-experience." Driving hard to finish his history of sexuality, yet thinking, reading, and writing with rare Stoic calm (Seneca had become his favorite reading), he died of the disease in Paris, in late June 1984, just as volumes two and three of his History, *The Care of the Self* and *The Use of Pleasure*, came out in French.

James E. Miller's book is a reconstruction and interpretation of Foucault, with special emphasis on his "quest," or drive to invent a new kind of self in the Nietzschean manner. The reconstruction is concrete, detailed, exigent. Three years more recent than Didier Eribon's French biography, Miller's reconstruction draws on a voluminous documentation as well as on extensive interviews he conducted in France, Canada, and the U.S. The investigation of rumors about the end of Foucault's life led Miller finally to focus on how Foucault thought of and lived "the philosophical life." The result has every appearance of solid probability: Foucault integrated his life, the San Francisco experiments prominently included, into an obsessive quest by means of limit-experiences to change himself, to shake free *(se deprendre)* of the self that had agitated and burdened him all his life.

As reconstruction—and this is the author's main purpose—the book is a clear success. At the same time, Miller (for whom Nietzschean philosophy is a puzzle and provocation "which I have yet to see refuted") of-

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fers mild, low-key, painfully inadequate evaluative comment. The most anti-social of Foucault's ideas—e.g., that rape, incest, sex with children should all be decriminalized—he presents without comment, apart from a half-effort to show the Nietzschean rationale of this thinking. On psychological, cultural, and moral matters, among them the unobjectionable character of "consensual sadomasochist" games, he lines up with Foucault. In a word, the book is impenetrably simple-minded on moral issues, tone-deaf to the resonances of "person, personal worth, and dignity" that have defined the West.

Foucault did not claim that what he did was philosophy. He claimed rather that his goal was to live the philosophic life. This had to do with a number of recurrent motifs, some of them from Nietzsche and Heidegger: finding at the bottom of oneself, "deep down," that "granite of spiritual *fatum*" that is one's "higher necessity" (Nietzsche); transcendence, that singular spark and power within (Heidegger); the "unthought" with its promise of all things new (Heidegger); the sloughing off of identity and becoming "other" than who one is; a voluntary obliteration that takes place "in one's own existence." This was the point of living, thinking, writing, summed up in the phrase *se deprendre de soi-meme*: getting rid of oneself.

Indeterminacy is a contemporary cult and there is plenty of it in Foucault's many ways of expressing what he was after. What exactly did he want? He wanted to be *other*. The language, tinged with Gnosticism, oscillates between signifying transformation and oblivion. Self-lacerating madness beckoned as a way out of the self. Hence Foucault's attraction to the erotic "ascesis" of sadomasochism.

BUT THE Nietzschean and Heideggerian oracles that Foucault cherished as clues to this anguished quest led nowhere. The limit-experiences of anonymous erotic games, drugs, and madness have no verifiable role in self-transcendence. The whole effort was futile, as Heidegger's adventures with "the unthought" had been. The San Francisco experiments—"each of us knows exactly why he is there," said Foucault—were as philosophically futile as Nazi medical experiments were scientifically useless. The strategy of heroically risky experiment, the discovery of "positive truth" in its "downward fall," was self-delusive. (What we really do know is what became of Heidegger's dream. *In thought*, it was the unprecedented, "hurling the human being through a breach" in which "suddenly the unbound powers of being" come forth and "are accomplished as history." *In fact*, it was that dreadful nightmare from which the world was delivered, at terrible cost, in 1945.

Selfhood and its dissolution dominated Foucault's thinking in the last years of his life. Though he never entirely gave up the dream of techniques that might make selfhood vanish from the world, he seemed to know, without admitting, that this dream was unreal. Like Nietzsche, he saw the self as something scripted by the immemorial past and inflicted on him. At the same time, he knew that there was more to this "him" than an inherited script. What about that "more," that intimate, inner part of him that scripted himself?

This was indeed the quintessential self, the most Foucaultian part of Michel Foucault, precisely the self that Soren Kierkegaard explored in terms that are, superficially speaking, strikingly coincident with the anguish of Foucault. For Kierkegaard envisaged the condition of "not willing to be one's own self, of willing to get rid of oneself." (He also grasped the illusory aspects of this condition.)

We are still far from a rounded view of Foucault, who remains a cult figure. A key virtue of Miller's book meantime is its point of departure: grasping and evaluating Foucault's work will turn in significant measure on how one grasps and evaluates his quest.

Patiently, Voraciously . . .

THE HUMAN BODY SHOP: THE ENGINEERING AND MARKETING OF LIFE. By ANDREW KIMBRELL. *HarperCollins. 348 pp. $22.*

Reviewed by
Bernard N. Nathanson

What Ralph Nader did to the auto barons, what Rachel Carson did to the pesticide pirates, Andrew Kimbrell has now done to biotechnology. He has thrown himself against that remorseless machine and brought it to a shuddering stop—or at least he would do so if those who elect our lawmakers were to pay him the kind of attention he deserves. He has succeeded in dismantling the biotechnology myth: that Progress requires defining life down, and the more ruthless the biological reductionism the more benefits for mankind.

Kimbrell has been policy director of the Foundation for Economic Trends for eight years. The Foundation is a quirky but remarkably effective group operating in the Beltway Badlands that closely monitors the forces of biotechnology. It has been in the vanguard of those who oppose the patenting of life, genetic engineering without appropriate safeguards, cloning of animals and humans, and a bewildering variety of other kinds of biothaumaturgy. The Foundation's reigning guru is Jeremy Rifkin, a man whose range of interests is truly of an epic order: he has published works on the physicochemical principle of entropy as applied to industrialized Western society (*Entropy*); how to release ourselves from the strangulating harness of time and efficiency (*Time Wars*); on genetic engineering and its lethal incursion into Darwin's principles (*Algeny*); on the

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necessity for a second Protestant Reformation (*The Emerging Order*). In short, Rifkin, Kimbrell and company have emerged as a maverick force constantly at war with the *bien-pensant* intellectuals.

Now, in *The Human Body Shop*, Kimbrell puts it all altogether. He begins with the blood transfusion cartel; sails from there into the entrepreneurs cornering the organ transplant and fetal tissue industries; and finally takes on the genetic engineers and their blood-freezing vision of our future on this planet. (Kimbrell merits an extra measure of admiration for having torn the smirking humanitarian mask off the biotechnology industry without once having invoked Aldous Huxley's *Brave New World*—a neat trick in itself.)

Kimbrell's overarching theme is the relentless commodification of the human body by people driven by the market ideology of self-interest. In his section on organ donation he cites the enormous demand for organs that fuels the engine of commerce in spare parts: by the end of 1991 over 23,000 Americans were on the waiting list for donated organs, and a new name is added to the list every thirty minutes (a new organ is *not* however transplanted every thirty minutes, and the list grows geometrically longer). When this reviewer was a medical student forty years ago, our anatomy instructor used to calculate for us the market worth of the human body reduced to its chemical components: ninety-eight cents. Now, with two corneas, one heart, one pancreas, two kidneys, two lungs, one liver, twenty square feet of skin (to cover burns), 60,000 miles of blood vessels, and ninety ounces of bone marrow—all available for transplant—each of us is viewed by the biotech entrepreneurs as a walking treasure trove of spare parts worth several hundred thousand dollars—with some products such as blood constantly replenishing themselves.

It is true that the National Organ Transplant Act (1984) prohibits interstate commerce in the U.S. in organs for transplant—though it exempts organs selected for research or replenishable tissues such as blood or sperm. Most countries, however, do not have comparable legislation, and there is at present a thriving industry in organ sales in India, Africa, Latin America, and Eastern Europe. Kimbrell sounds the tocsin: the forces of commercialization have not given up the struggle here in America, and he presents a strong and seamless case against caving in to them. After all, if we can sell a part or three, why not go the whole way and repeal the Thirteenth Amendment? Sell your whole body—or someone else's.

Kimbrell lucidly discusses the issue of organ harvesting in the dying, and includes an illuminating section on the criteria for death and the concept of "neomorts," brain-dead patients kept alive by artificial means as whole-body storage systems for scarce organs. Oh death, where is thy definition?

The largely unregulated trafficking in sperm, ova, frozen embryos, surrogate motherhood (the uterus as bed and breakfast), and assisted reproductive technology comes in for its share of condemnation. Who, for example, can forget Dr. Cecil Jacobson in Virginia, who inseminated seven women with his own semen, pretending to them that he was obtaining the semen from a donor bank? Or Dr. Douglas Moss in New York City, who has been charged with inseminating twenty women, using the Jacobean pretext? What of the Mount Sinai Hospital in New York City, charged with violating the city's Consumer Protection Law by fabricating the success rate of its fertility clinic and misleading infertile couples desperate for a baby? And IVF America which has already been disciplined by the Federal Trade Commission for also exaggerating its success rate in using such reproductive technologies as ZIFT (Zygote Intrafallopian Transfer), GIFT (Gamete Intrafallopian Transfer), PZD (Partial Zona Dissection), and plain old IVF in helping barren couples to have babies. The litany of villainy in this particularly intimate area of human activity is perverse, revolting, and ongoing. As Kimbrell points out, the sale of the elements of reproduction (or the commerce in the end-product of reproduction, i.e., the frozen "pre-embryo") is a blatant invasion of the market into our most intimate selves—our sexuality, our self-image, our marriages, and our families.

Genetic engineering has been the special focus of the Foundation for Economic Trends. Rifkin, Kimbrell and company have been active in opposing genetic engineers striving to patent their twisted creations: the geep, a goat-sheep combination with the face and horns of goats and the bodies of sheep; superpig, a pig with human growth hormone spliced into its genome so as to grow twelve feet long and manufacture human growth hormones on a large scale (this genetic lottery was an abysmal failure); mice with a copy

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of the AIDS virus in every cell of their body.

Rifkin and company in 1983 organized a scientific and religious coalition against genetic engineering on humans, and in 1989 filed suit in federal court against the National Institutes of Health, calling upon the court to restrain the NIH in its genetic engineering projects. After all, if the NIH is successful in its $3 billion genome project—the mapping out of the location of every one of our 50,000-100,000 genes on our 46 chromosomes—what will stop employers from using this genetic information to screen employees? Who will prevent insurance companies from denying health and/or life insurance to those with "defective" genes? Why should the military not use such information in assessing candidates for service? What of engaged couples—are they not entitled to see each other's genomes, to see what each of them is getting? And when their child is conceived, why should they not run the genome of the child through the computer to see that he (or if desired, she) will be of the right height and weight, of outstanding intelligence, with blue eyes, blonde hair—a designer baby—and if not, discard the embryo?

A nightmare world? Absolutely, and the only thing standing between it and us is the courage and unflagging dedication to the sanctity of life of people like Rifkin and Kimbrell—not to mention Paul VI who predicted it all in his magnificent *Humanae Vitae,* who gave us the wisdom to recognize how life was being trashed, and supplied us with the moral and ethical means to oppose it.

Kimbrell touches upon the subject of fetal tissue transplant but regrettably fails to enlarge upon some of its potential ramifications. I have been inveighing for many years against the use of electively aborted fetuses for tissue and organ transplantation. Incidentally, the *spontaneously* aborted fetus is to all intents and purposes useless as a mine for tissue and organs in that it has usually been dead for several days and if the tissues are not alive and fresh they cannot be used; further, perhaps 65 percent of all spontaneously aborted fetuses are chromosomally abnormal (instead of 46 chromosomes they have 69 or 92, incompatible with life) and therefore must be discarded by the biogleaners.

Kimbrell correctly points out that if harvesting of the electively aborted fetus becomes a commercial commonplace (and Bill Clinton and his Rhodes-runners seem determined to bring this about), the ramifications of this technology will pose a myriad of knotty ethical questions: (a) Who is legitimately qualified to give consent to the cannibalizing of the fetus? Certainly not the pregnant woman who condemned her fetus to death. (b) How many additional abortions will there be if women who are having difficulty with the abortion decision are persuaded that the tissues and organs of the fetus will be used to save someone else's life, e.g., a sufferer from Parkinson's disease, or a severe uncontrollable diabetic? (c) The method of abortion will be dangerously altered, to suit the fetal tissue entrepreneurs. At present, only the pancreas of a fetus aborted between fourteen and twenty weeks is useful in the transplant treatment of diabetes. Mid-trimester abortions carry with them a fifteen-fold increase in maternal mortality. A great many women will die in this orgy of greedy profiteering. (d) The market forces driving this technology are so powerful as to be all but irresistible. Consider: it requires the specific brain tissue of five fetuses aborted in the first trimester to treat a Parkinson's victim, assuming for the moment that fetal brain tissue is truly effective in the treatment of central nervous system disorders. (There are, in fact, many reputable neuroscientists who assert that the glowing reports of success with this technology reported in the November 1992 issue of the *New England Journal of Medicine* from the University of Colorado, Yale, and the University of Lund are attributable to the "placebo" effect, i.e., that invading the brain with a fine needle containing fetal brain cells injures the brain in the area of the putamen and substantia nigra, and in healing itself the brain manufactures more dopamine, the chemical substance lacking in Parkinson's disease: once the injury is completely healed the dopamine source is shut down and the patient reverts to the frozen state.)

We now have 500,000 victims of Parkinson's disease in this country, and 40,000 new cases are reported every year. There are four million sufferers from Alzheimer's disease (another disorder for which fetal brain tissue has been touted as a cure) and 250,000 new cases annually. There are 750,000 cerebral palsy victims, two million stroke victims, thousands of paraplegics: to treat all these patients with fetal brain tissue transplant we will need at least 35 million fetuses aborted at 9-12 weeks. At present, there are 800,000 fetuses in the U.S. each year aborted during that period of pregnancy. How in the world is the demand to be met? (If we factor in RU-486, the French abortion pill, we will have perhaps half of that 800,000 figure, since the abortion pill causes a spontaneous abortion in the first trimester of pregnancy and the fetal tissues are useless for transplant.) Ergo, we have a demand for 35 million fetuses in the 9-12 week period and only 400,000 potentially useful ones. One does not have to be an astrophysicist to understand the attraction of recruiting Third World women by the millions to serve as fetal farms for those who need and can afford fetal tissue transplant therapy.

Who will pay for this technology? The x-rays required to guide the needle bearing the fetal brain cells into the appropriate area in the brain to treat the specific disorder (Parkinson's, Alzheimer's, etc.) cost at least $5,000. Add to that the surgeon's fee, the nursing care costs, the immense outlay of money for physical therapy and other rehabilitative measures for these patients, and you have an astronomical bill—on the order perhaps of $60,000 per cure. With only one million patients

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being treated annually (and one can only shudder at the immense clamor for treatment raised by the enormous number of families of sufferers who have been denied or put on the waiting list for the treatment) the annual national bill will be on the order of $60 billion—10 percent of what we now spend on all of health care today. And we are now confining ourselves *only* to central nervous system disorders; we have not considered the 1.4 million diabetics who will undoubtedly seek fetal tissue treatment for *their* illness or the hundreds of thousands of chemotherapy patients who will demand fetal bone marrow transplants, to say nothing of leukemia victims and radiation therapy survivors who also will demand fetal bone marrow. Where will it all end?

Despite the formidable economic, medical, and ethical barriers to this practice, Kimbrell regrettably would offer only a rather timorous response: ban the sale of adult organs for transplantation, and "strongly support the ban on the sale of fetal parts and ensure that it is enforced." But even if commerce in organs and tissues themselves is interdicted, there remains an enormous satellite industry surrounding this technology: the person who collects and ices the tissue and organs gets paid; the laboratory personnel who process, culture, refine, and select out the tissue and organs—they all get paid. The surgeons, nursing staff, anesthesia personnel all get paid; the physical and occupational therapists, social workers, counselors—they all get paid. And to pretend that, with organs and tissues in such short supply and the demand so clamorous and heartrending, one can enforce a commercial ban without an immense black market springing up is quite simply unrealistic. No. The only satisfactory resolution is to ban the entire technology and look to infinitely less expensive, more effective, and ethically more acceptable pharmacologic solutions to these especially heartbreaking diseases and disorders.

Get this book and read it *carefully*: just a peek into the roaring inferno which yawns before us. Let Kimbrell-Virgil guide you through the trimillennial hell that awaits us patiently, voraciously . . .

BRIEFLY NOTED

Sister Aimee: The Life of Aimee Semple McPherson. By Daniel Mark Epstein. *Harcourt Brace Jovanovich. 496 pp. $27.95.*

Among the many colorful personalities who gripped the nation's attention in the 1920s, no one fascinated the eager public more than the evangelist Aimee Semple McPherson, an itinerate preacher whose considerable theatrical talent won the approbation of Hollywood and brought record-breaking crowds into tents and civic auditoriums to hear a simple gospel message with deep roots in the American revivalist tradition. Daniel Mark Epstein's new study is, in many respects, a welcome addition to the literature on McPherson. He tells a good story with sympathy and humor, and the book makes for lively reading. Unfortunately, it leaves the reader hard-pressed to know when the story is accurate and when it is not, since the records that Epstein was able to review are far from complete, and he depends for much of his account on uncritical retellings from McPherson's own autobiographies. Also, the book is littered with a number of factual errors, minor points for the most part, but unfortunate nonetheless in a story whose inaccuracies have been repeated until they are accepted as facts. The author, moreover, is obviously somewhat uncertain as he explores the richly textured world of early American Pentecostalism. In sum, a good read but not a definitive biography.

—Edith L. Blumhofer

Making Sense of It All: Pascal and the Meaning of Life. By Thomas V. Morris. *Eerdmans. 214 pp. $12.95 paper.*

Pascal, while universally admitted to be a genius, is generally relegated to the pantheon of "minor" philosophers, since most of his life was spent either in mathematical discoveries or in his famous tangle with the lax moral theologians of the Jesuit order. He died before he could assemble the *disjecta membra* of his famous *Pensées* into an organized, consistently argued book, and so he is more often known for his aphoristic brilliance than for any coherent philosophy. But coherent it is, and we owe Thomas Morris, Professor of Philosophy at Notre Dame, many thanks for this stimulating, witty, and utterly absorbing book on perhaps the greatest apologist for Christianity in modern times. Morris notes the contrast between Pascal and much of philosophy today: "Intellectual activities themselves can be powerfully diverting. Many philosophers and theologians are masters at keeping their distance from spiritual realities." Or, as Pascal says, "Pious scholars are rare." Why? Because "we run heedlessly into the abyss after putting something in front of us to stop us from seeing it."

—Edward T. Oakes, S.J.

The Resilience of Christianity in the Modern World. By Joseph B. Tamney. *SUNY Press. 178 pp. $19.95 paper.*

"Modern societies are culturally complex and certainly not internally consistent." Regrettably, the author is given to such truisms

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throughout this rather diffuse discussion of religion and modernity. Despite religion's resistance to the counterculture and what he calls socialist ideas, religion will, Tamney concludes, persist into the next century.

ALL IS FORGIVEN: THE SECULAR MESSAGE IN AMERICAN PROTESTANTISM. BY MARSHA G. WITTEN. *Princeton University Press. 208 pp. $19.95.*

A suggestive analysis of religious language coping with the pressures of secularization, this study pays particular attention to Presbyterians (USA) and Southern Baptists. Beyond cultural accommodation and cultural resistance, Witten urges that we take seriously the need for "reframing" of rhetorics. She is rightly concerned that the downplaying of the "negative" aspects of the Christian message—sin, judgment, ultimate accountability—makes it impossible to communicate credibly the "positive"—for example, the message that "all is forgiven." Sociologists of religion will want to pay particular attention.

THE CONTENT OF FAITH. BY KARL RAHNER. *Crossroad. 668 pp. $42.*

Few theologians in this century have written so much and few have been so influential, at least among Roman Catholics, as Karl Rahner. What a number of editors have done here is to rifle through his ouevre and bring together in one hefty book 174 brief essays. The result is a very useful introduction to, and representative sampling of, Rahner's life project.

PASSIONATE SAGE: THE CHARACTER AND LEGACY OF JOHN ADAMS. JOSEPH J. ELLIS. *Norton. 275 pp. $25.*

John Adams and Thomas Jefferson both died on July 4, 1826, the fiftieth anniversary of the signing of the Declaration of Independence. Not knowing that the sage of Monticello had died hours earlier, Adams' last words were, "Thomas Jefferson survives." Joseph Ellis of Mount Holyoke College traces the ways in which Jefferson has indeed survived in the American memory in a way that Adams has not. Adams was in almost all respects a more admirable character than Jefferson, and he was probably a greater thinker—at least a much more sober thinker. *Passionate Sage* might provide, the author delicately suggests, the spark for a movement to erect in Washington a monument to Adams comparable to the Jefferson Memorial. Whether or not that happens, this is a book to be relished by those who want to understand better the philosophical and moral assumptions of the American founding.

THE PARTING OF FRIENDS. BY DAVID NEWSOME. *Eerdmans. 485 pp. $29.99.*

Our friend Mark Noll calls it "simply one of the best books that I have read." It is very good indeed. The subtitle is "The Wilberforces and Henry Manning," and it is the story of the sons of "The Great Emancipator"—Samuel, Robert, and Henry—and their families, and how all of these related to Henry Manning, the Anglican convert who became Cardinal Manning. (Robert and Henry became Catholic, while Samuel played an important role as Anglican Bishop of Oxford.) Of books on the Oxford Movement and related gyrations there seems to be no end. A particular merit of the present study is that Newman, Keble, and some other familiar players are kept in the background, thus permitting the author to tell the tale from a fresh angle. Newsome effectively makes the argument that in the beginning the Evangelicals and those who would come to be called Anglo-Catholic were pretty much the same people. Evangelicals were, more often than not, Anglicans of a catholic disposition who constituted the minority of serious Christians in the Church of England. Here in America a century and a half later we witness a somewhat similar development. Although it has not yet come together as a major movement, there are numerous initiatives to form some kind of "orthodox" alliance among Evangelical Protestants and conservative Roman Catholics. One expects that, as in the last century, any such movement would have to engage the ecclesiological claims of the Catholic Church. In any event, whether one reads it for the sheer pleasure of the thing or to ponder the possible futures of Evangelicals and Catholics, *The Parting of Friends* is warmly recommended.

LENIN'S TOMB: THE LAST DAYS OF THE SOVIET EMPIRE. BY DAVID REMNICK. *Random House. 575 pp. $25.*

Beginning in 1988, the author was for four years the *Washington Post*'s man in Moscow, and he has made the most of it. He provides an astute and utterly absorbing inside account of the death of the brutal system of corruption that was the evil empire. Unlike many Western correspondents, he has a critically measured appreciation of Gorbachev, a man who was often driven by egomaniacal illusions that he could control forces he did not understand. Remnick is especially strong on the role of (mainly Jewish) intellectuals and other dissidents, but has very little to say about Russian Orthodoxy and almost nothing about external factors—i.e., John Paul II, Reagan, Thatcher—in precipitating the end of Soviet Communism. *Lenin's Tomb* is, nonetheless, among the very best reports to date on the death throes of the most bloody regime in human history. (Someday soon there may be a book called *Mao's Tomb.*)

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December

Biting bits of skin from my chapped lips
looking for a place to park, I stop
behind the gift shop near the graveyard where
we buried you on a day like this.

This is another season you won't miss—
you, who have become a part of me
I tell (the clerk what Mary wants)
to no one now.

And in a lot behind a superette
I choose a tree, then stop and sniff,
consult my list, and go,
with nothing on it left to get,

home to wrap her present, cut the wrapping
paper short, tape scraps on gaps,
come finally to the bow and call for help.
she puts her finger on the knot

and speaks of you—a girl we used to know,
who knew the people that we used to be.
No present waits for them beneath this tree.
They've changed, like you—almost beyond
belief.

There's nothing left of you for us to see
But look how little others see of us
who see each other every day
now and then.

Mary plugs the lights in
then directs me from afar,
saying what I'm too close to see
As I adjust the star.

Herbert Knapp

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THE PUBLIC SQUARE

A Continuing Survey of Religion and Public Life

Richard John Neuhaus

The Couture of the Public Square

Stephen Carter's *The Culture of Disbelief: How American Law and Politics Trivialize Religious Devotion* (Basic Books) has received mixed, although generally favorable, reviews (see the review by Phillip E. Johnson in this issue). Our friend Peter Berger praised it highly in the *New York Times Book Review*. Others have focused more sharply on the ways that they think Carter—although calling for respect rather than tolerance of religion in public—does not respect religious truth claims enough to allow them real purchase in some of the most intense disputes of our time, notably the argument over abortion. We have our own criticisms of Carter's argument, but, all in all, he has rendered an important public service. He does not propose his book as the last word but as an invitation to reexamine questions that many thinkers have neglected, perhaps because they mistakenly think they were "settled" a long time ago.

Carter is careful, maybe too careful, to protect his liberal credentials. At the same time, there may be tactical advantage in that. As a Yale law professor and a black who makes extensive and constructive use of the black experience, Carter does not fit the stereotype of those who protest the injustices and irrationalities of "the naked public square." Although ever cautious in the conclusions to which he commits himself, Carter understands that what is at stake are conflicting truths or "constructions of reality." In a chapter entitled "The Clothed Public Square," he writes:

"There is more than a mere semantic distinction between acting neutrally toward a religious belief—refusing to consider it as either true or false—and acting as though it is false. Take, for example, the case of a religious worship practice that runs afoul of a law of general application, such as a law against drug use or animal abuse. One might argue that the state is only neutral if it enforces the law against the religion in question. However enforcement of the law constitutes neutrality *only from the point of view of the state*. From the point of view of the religion, matters are quite different. By punishing adherents of the religion for doing what their faith demands of them, the state is not—in their eyes—acting with neutrality toward the truth or falsity of the belief in the religious demand. On the contrary, by presuming to punish members of the faith who follow its dictates, the state is necessarily treating their beliefs as false—for if the beliefs were true, there would be no reason for the state to outlaw the practices that the beliefs demand."

Examples of the distorted reasoning that marks the naked public square can readily be multiplied. Abortion is an obvious instance. One party says that the fetus is an appendage of the woman's body and the state should permit its termination as decided by the woman involved. The other party says that the fetus is a developing child and the state is obliged to protect it from unjustified killing. Both purport to be statements of fact about the fetus. Prescinding from the question of the nature of the fetus (as the Supreme Court did in *Roe v. Wade*), the state acknowledges that the two parties are making conflicting moral claims. Therefore, claiming that it must be neutral with respect to moral claims, the state agrees with the moral claim of the first party. But of course there is nothing neutral about that at all. Faced with conflicting claims about biological and moral truth, the state decides for one claim and against the other—in the name of neutrality.

To be sure, the analogy with the instances cited above by Carter is not exact. There is nothing necessarily *religious* about either of the claims in the abortion argument. The analogy comes in at the point of recognizing the pseudo-neutrality of the state with respect to conflicting truth claims—of recognizing the inescapability of moral judgment in public policy. Given the incorrigible religiousness of the American people, in this society moral judgments are shaped in large part by convictions

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that are commonly described as religious. As Carter rightly argues, the exclusion of religion from law and politics (under the dubious mandate of "the wall of separation between church and state") regularly ends up with a ruling against the moral claim that is more closely associated with religion. It is a sure formula for the undermining of democratic governance. And the unhappy consequences are compounded when the courts arrogate to themselves the right to make these decisions, removing them from the deliberation and determination of representative legislatures.

Carter's argument will no doubt meet with stiff resistance, as have earlier arguments about the dangers and injustices of the naked public square. Syndicated columnist Michael Kinsley is a case in point. In reaction to Carter's book, he asserts that religious believers are cultivating a "martyr complex." He notes that many of those who complain about the exclusion of religion from public life are the same people who complain about the cult of victimhood. The believers, complains Kinsley, are simply making their own bid for victim status. "What could be more absurd," he writes, "than religious believers—90-plus percent of the population, embracing precepts no politician would dare to challenge—succumbing to the romance of victimhood?" Then, as though to clinch his point, he asks, "Does anybody really think it's harder to stand up in public in 1993 America and say 'I believe in God,' than it is to stand up and say, 'I don't'?"

Most people do not, under ordinary circumstances, stand up and say either in public (unless we recognize churches and synagogues as public space). And Kinsley is right in suggesting that a politician who makes a public point of his being an atheist, or even an agnostic, is going to have a harder time than a politician who professes to be devoutly religious. But presenting oneself as religious is a public statement about personal character and private belief. The same politician typically takes care to assure his audience that his religion will not influence his public decisions. Moreover, there are certainly important sectors of cultural leadership in, for instance, the worlds of academe, the media, the arts, and philanthropy where it is much easier to say, "I don't believe in God." More germane to the argument made by Carter and others is the fact that, in the realm of law and public policy, religion is inadmissible. In the courtroom—where, regrettably, many of the great moral questions end up being decided—it is admissible to testify, "I am an atheist, and I think . . . " It is not admissible to say, "I am a Christian, and I think . . ." The latter is ruled out of order. To admit it to evidence would be, allegedly, a "violation of the separation of church and state." Thus the atheistic postulate, or at least the nonreligious postulate, is controlling in the deliberation of law and public policy.

If Michael Kinsley does not know that this is a situation that is at present provoking some of the hottest controversies in American public life, he has been on a long sabbatical from the action. "What could be more absurd" than that the deepest convictions of the overwhelming majority of Americans should be ruled out of order in our law and politics? Kinsley is right; it is absurd. It is the absurdity, and the injustice, and the profound danger to democratic theory and practice, that is protested by Stephen Carter and others.

The absurdities multiply. In recent decades courts have with great frequency ruled that the law must not only be neutral about religion, it must (because of the nexus between religion and morality) be neutral about morality. To take but one example of many, this summer a Louisiana state court ruled against the use of a sex education program in public schools because it supported sexual abstinence. One sex education course promotes "safe sex," the other promotes abstinence. The second course advances a particular morality, said the court, and, since the law must be morally neutral, only the first course is admissible in public schools. But of course the first course also advances a particular morality, albeit a very wrongheaded morality. Both courses are premised upon moral truth claims, but the second is burdened by the fact that it is generally supported by religion, and therefore "neutrality" requires that it be excluded from the government space that is the public classroom.

Mr. Kinsley and others who have not critically examined the situation analyzed by Stephen Carter might well give their attention to another worry. The prevailing jurisprudence, however unwittingly, gives religion exclusive right to the moral high ground. The notion that morality is inescapably religious and must therefore be excluded is dead wrong as a matter of law and as a matter of fact. There are many moral people—moral in their concern, reflection, and behavior—who are not religious in the usual sense of the term. The morality of the nonreligious frequently coincides quite comfortably with the morality taught by, say, Judaism or Christianity. The difference is that such people simply do not accept the theological or metaphysical truth claims that gave that morality birth and that give it sustaining power in history. Theirs may not be a very rational moral position, but it is a moral position.

Others among the nonreligious embrace moralities at sharp variance with religious tradition. Their morality may be no more than the moral imperative of self-expression or self-actualization, but it is a morality. However dumb and unreflective we may think it to be, it is a morality not without influence in American life. It is the morality

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endorsed by the Supreme Court in the *Casey* decision of last year. "At the heart of liberty," said the Court, "is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life." There is no appeal beyond the definition of reality by the autonomous self, unencumbered by law, family, or moral tradition. It is a convenient idea for justifying the abortion license, which was the purpose of *Casey*, but, pressed even a little, it is clearly absurd. The notion of the autonomous self is itself not autonomous. It is the product of a history of concepts "of existence, of meaning, of the universe, and of the mystery of human life." The set of ideas that undergirds the idea of the autonomous self is incompatible with biblical religion. To the extent that their thinking is in fact shaped by biblical religion, it is a set of ideas rejected by the American people. It is nonetheless endorsed by the Court as the official moral philosophy of the land—and this is done, once again, under the guise of moral neutrality.

As we have had occasion to say before, one problem with the naked public square is that it never remains, it cannot remain, naked. Exclude explicit moral judgment from the public square, and moral judgments that dare not speak their name will come in to take their place. "Politics," said Aristotle, "is the deliberation of the question, 'How ought we to order our life together?'" As indicated by the "ought," law and politics are inescapably about morality. What is just? What is fair? What is right? What will serve the common good? All are undeniably moral questions. For most Americans, morality is, however confusedly, inseparably related to religion. To exclude from public discourse and decision morality formed by religious truth claims is to de-moralize and delegitimate politics, and, most especially, democratic politics.

Stephen Carter understands the legal, political, and cultural mess that we have gotten ourselves into. At critical points we would have made the argument differently, and too often Carter steps back from the conclusions entailed in his own reasoning. But *The Culture of Disbelief* is a book of potentially great importance. Carter's is a voice for sanity and justice in a political culture that is at deadly war with itself.

FT

A FRIENDLY DIFFERENCE

Here is something a bit unusual—a question by the Editor-in-Chief to an article by the Editor. Jim Nuechterlein's reflections in this issue on academic freedom and the religious university are, in this writer's judgment, urgently pertinent and almost entirely persuasive. But we have a difference that we have not been able to work out in extensive (and entirely friendly) discussion. Nuechterlein is certainly right in saying that religious schools are too often "in thrall to the reigning norms of the secular academy," and in affirming that "the secular Enlightenment model does not exhaust authentic ways of knowing." But then he seems to subscribe to the usual notion that there are "tensions" (if not antinomies) between faith and knowing, reason and revelation, freedom and truth—in sum, between Athens and Jerusalem.

While agreeing with his description of what is happening in the academy, and applauding his call for a restoration of nerve on the part of church-related institutions, one might ask whether his analytical framework does not run the risk of giving the moral and intellectual high ground to the secularist opposition. In the Christian perspective (and at least many Jews would agree), truth is one because God is one, and therefore all ways to truth that are truly ways to *truth* are in agreement. There is, then, *finally* no "tension," never mind conflict, between Athens and Jerusalem. To neglect this is to end up conceiving of religious commitment as a "restriction" on the search for truth. And that, in this writer's view, is to end up playing into the hands of those who, historically and at present, intimidate Christian schools into secular conformity.

As the secular Enlightenment model does not exhaust ways of knowing, so freedom-as-license does not exhaust the meaning of freedom. Athens and Jerusalem both understood that. To expand this argument would require another article, so please take this as no more than a footnote to Nuechterlein's splendid article, testifying to the fact that the editors still have some things to sort out among themselves. They will continue to work at these questions, as will, of course, the contributors and readers of this journal.

FT

BIGOTRY UNBOUNDED

It is not true that anti-Catholicism is the last respectable bigotry among our cultural elite (who, of course, admit only among themselves that they are in fact the elite). There are lots of respectable bigotries, as witness all the people whom it is respectable to call bigots. People who think homosexuals should not have special legal entitlements as a minority group, parents who do not want their eight-year-olds instructed in the use

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of condoms, those who insist that abortion is very bad for unborn children and their mothers—bigots one and all. But the bigotry that condemns alternative views as bigotry is especially pronounced when it comes to the Catholic Church. It is rivalled only by the wrath directed at conservative Protestants who are routinely consigned to the catchall category of derision called "fundamentalist."

For undiluted venom and full-throated viciousness, consider the case of Judy Mann. She writes a column for the *Washington Post*, and her blood was boiled by the Pope's visit to Denver. One column is titled "The Vatican's Children," and in it Ms. Mann assaults what she alleges to be the Church's hypocrisy in claiming to respect human life while opposing programs of population control. The Third World is teeming with unwanted children. She notes a news report on the killing of street children in Rio de Janeiro. Some of them died on the steps of a church. "The cobblestone sidewalk of Pope Pius X Plaza, the site of the killings, was covered with blood, rags, cardboard, blankets, and stray shoes," Ms. Mann spurts. "There is a painful symmetry to this, for these are indeed the Vatican's children." The anti-abortion forces, she says, used the Denver visit "to whip up the zealots." "It is only appropriate that the rest of us take the occasion of [the Pope's] visit to reflect on the disastrous consequences of the Church's stand against artificial birth control methods and abortion. The dead children of Rio should not be forgotten." Whoever belongs to "the rest of us" is invited to reflect on the denial of the right of these children to have been aborted. The children were from fifteen to seventeen years old. In Ms. Mann's view, it seems, the only option for them is to be killed early or late. Were it not for the Church, they would have been killed early.

And it is not only in Rio. Ms. Mann cheers on an official of the Philippine government who is promoting population control. She quotes an expert who asserts that street children are "the residue of unthinking pro-family policies on the part of the dominant Catholic Church." It takes a while to begin thinking of children as residue, but presumably Ms. Mann has been at this for some time. The Church is, no doubt unthinkingly, opposed to the government population program. Any politician who takes on the Church, we are told, "is a person of considerable courage who deserves admiration." In case the reader has failed to get the point, there is this: "The church that brought us the Inquisition and unleashed the witch burnings of the Middle Ages knows how to play hardball." Ms. Mann would likely plead not guilty to the charge of being anti-Catholic. She is only opposed to the wretchedly oppressive teachings and social influence of the Catholic Church.

The *Washington Post* is a very respectable newspaper. As such, it is not capable of bigotry but is the arbiter of the bigotries of others. It is in opposition to bigotry that a reporter, explaining the "religious right," recently wrote that evangelical Protestants are "poor, uneducated, and easily led." That reporter, too, is no doubt a member of "the rest of us" that is Ms. Mann's assumed audience. There is them and then there is "the rest of us." They are easily led. "The rest of us," the whole herd of us, think for ourselves. They whip up the zealots. "The rest of us" admiringly cheer on those who have the "courage" to oppose them. They say our society is embroiled in a culture war when nothing could be farther from the truth. All they have to do is agree with "the rest of us." Until then, they are beyond the pale. There is no culture war because they have no part in the culture of "the rest of us."

There are fine groups such as the Catholic League and the Catholic Campaign for America that regularly protest the anti-Catholic bigotries of Judy Mann and her like. They regularly point out that comparably vicious statements directed at Jews or blacks or homosexuals would spark a firestorm of outrage. Of course they are right, and of course it doesn't seem to make much difference. True, Dr. Joycelyn Elders, the Surgeon General, did apologize, in a manner of speaking, for her public assertion that the Catholic Church is indifferent to human suffering except when it comes to the unborn. She was sorry "if" she offended anyone. She did not retract her remarks; she merely indicated that she was sorry that some folk seemed to be offended by what she said. Meaning, as best we can figure out, that she is sorry that there are people who are so ignorant as to disagree with her. Curiously, some Catholic authorities seemed to think that this was sufficient. The United States Catholic Conference publicly released her "apology" before the confirmation hearings, thus, as one political observer put it, "clearing the air" of the charge of anti-Catholicism.

Some Catholics seem to be impervious to Catholic-bashing. It is, it seems, a mark of maturity not to get excited about that kind of thing. Others claim to take pride in the fact that the Church is so relentlessly under attack, considering the sources of the attack. There is something to be said for both positions, especially the second, but bigotry in places of cultural prestige and influence must be worrying. Whether the attack is on Catholicism or on politically concerned Christians more generally, it cannot be good for society when millions of Americans, perhaps a majority of Americans, are excluded from the company of "the rest of us." It could lead to something like—please excuse the term—a culture war.

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A BALMY PERSPECTIVE

Randall Balmer of Barnard College takes a balmy view of American religion and culture. This from his review of James Davison Hunter's *Culture Wars*: "What I find so remarkable about the history of American Protestantism in the twentieth century is that, despite all of the institutional contortions and the ebb and flow of ideology, the center has held. Although the polemicists garnered most of the attention during the fundamentalist-modernist controversies of the 1920s, cooler heads for the most part prevailed, keeping most of the denominations intact. Even those affected by schism lost relatively small numbers. When mainline (or oldline) Protestants veered too far to the left in the 1960s and 1970s, the evangelical resurgence forced them to move back toward the center. So too the perceived excesses of fundamentalists in recent years (especially in the political arena) have provoked a backlash and a move toward moderation. Hunter's book presents a strong case for understanding the current state of public discourse as a 'culture war,' shaped by ideological extremes. While these voices are doubtless present in American culture, I find the opposite argument more persuasive: The relative absence of ideology in American politics, culture, or religion allows Americans to steer a middle course to navigate clear of the shoals of extremism."

What, me worry? as Alfred E. Newman used to say. Abortion on demand, assisted suicide, homosexual marriages, public schools as recruitment centers for the gay "culture of desire," feminist tyranny of the campus, no-fault divorce, transplant tissue from viable babies—these and dozens of other developments presumably demonstrate the capacity of religion and culture to maintain "a middle course." To be sure, we can keep on moving the cultural markers, and still comfort ourselves that we know where the redefined "center" is. In this sense the oldline churches have moved, but not moved "back," to the center. "Balmy" denotes something soothing. That is not the only definition of the word.

FT

NO ROOM FOR IMPARTIALITY

The nomination of Ruth Bader Ginsburg to the Supreme Court sailed through, causing nary a ripple in the Senate. Some people of our acquaintance who know her well speak highly of her judicial talents. She has, they say, a respect for what the framers meant by the Constitution, and therefore may turn out to be a surprise to some of her judicially activist supporters.

But not on abortion. In the confirmation process she spoke strongly about how a judge must be impartial, offering no predictions on how she would decide, insisting that she would have to hear the facts of the case and consider it in light of the record, etc. But not on abortion. An advance indication of how one would rule on abortion has now become the great exception to the standard criteria of "judicial fitness." It is remarkable how many judicially conservative and even pro-life Senators go along with this.

Interestingly, in September the Clinton Justice Department made some noises about possibly appointing some federal judges who are not on "the right side" of the abortion question. At the risk of sounding cynical, we suspect that it is just possible that political considerations were involved. After all, there are some Democrats, even liberal Democrats, who are not hard-line in favor of abortion, and it may be that the President, in view of his narrow base of support, does not want to drive them entirely out of the party. One would like to think that there are also those in the Justice Department who have conscience qualms about imposing a litmus test on judicial candidates. (Contra the usual wisdom, Reagan and Bush did not impose such a test on the pro-life side, or at least did not do so very effectively—as witness, for example, O'Connor, Kennedy, and Souter.)

In any event, the pro-abortion faction went ballistic at the suggestion that Clinton might appoint judges who did not pass their test of orthodoxy on "women's reproductive rights." In its lead editorial, "A Threat to Abortion Rights," the *New York Times* fulminated that Clinton "must act swiftly to reel in those officials who would lure him into a disastrous political betrayal." The Justice Department officials say that they would not categorically rule out of consideration jurists who are personally opposed to abortion but acknowledge the legal right to abortion. That is far from being enough for the *Times*, however. The test of judicial fitness could hardly be put more starkly: "The issue is too important to American society—and Mr. Clinton's promise too clear—to fiddle around with judicial candidates who don't have a forthright record of legal and moral support for the constitutional right to abortion."

In other words, Mr. Clinton corrupted the process by promising to impose a litmus test for judicial candidates, and he is now bound to abide by his promise. It is not enough that a judge compromise himself by saying that he would, despite his personal views, support existing abortion decisions. Nor is it

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acceptable if he has no strong personal views and has never had occasion, as a judge, to rule on an abortion-related case. In all these instances jurists are, according to the *Times*, disqualified from being considered for the federal bench. The only ones who are qualified are those who "have a forthright record of legal and moral support for the constitutional right to abortion."

Not just legal but moral—they must actually consider abortion as birth control (which is what the current "right" means) a morally good thing. And they must have a "forthright record" on the matter, which means they must have spoken out on the issue in no uncertain terms, whether or not they ever had judicial occasion for doing so. Those who, like most Americans, are undecided about the legal and moral aspects of abortion, those who have not yet made up their minds in a way that is closed to further consideration, need not apply. Impartiality on abortion is no virtue, zealotry in favor of abortion is no vice. The only good judge is a partial judge whose partisan credentials are beyond question. The *Times'* editorial is but another instance of the don't-give-an-inch fanaticism of the pro-abortion faction. Thus is democratic deliberation replaced by civil war.

FT

As the Archbishop Didn't Say . . .

A. W. Richard Sipe is a therapist who came in for some national attention a while back in connection with sexual scandals involving Catholic priests. He had written a book based on his experience in working with priests who have sexual problems. At first his public remarks seemed reasonably controlled and professional, but increasingly he became more strident—making, for example, the ludicrous claim that 50 percent of American priests are living in violation of their vow of celibacy. Now Mr. Sipe is reduced to writing for the *National Catholic Reporter* and has chosen as a target Archbishop J. Francis Stafford of Denver.

Last May, Archbishop Stafford gave a scholarly paper at a Rome conference on celibacy and the priesthood. He strongly defended the discipline of celibacy, arguing that there is an exclusive "eucharistic nuptial love" between the priest and Christ and between the priest and the Church. That may sound strange to moderns, but it is hardly a novelty in the Church's understanding of priesthood. The viewpoint advanced by Stafford, however, drives Sipe into extreme agitation over the dangers of "sexualizing spirituality." He purports to know priests who said they had various and bizarre sexual excitements in connection with prayer and the Mass, and, building on these instances, declares, "Whether or not Stafford will acknowledge these priests as his intellectual and spiritual sons, they certainly have in him a theological father."

Being translated: These troubled priests use language similar to Stafford's, ergo Stafford is responsible for their troubles. President Clinton and the Ku Klux Klan both say they love America, ergo Clinton is responsible for the Ku Klux Klan. Sipe writes, "Without doubt, sexuality and celibacy are difficult topics to understand clearly and discuss calmly." Without doubt, as Richard Sipe makes abundantly evident.

FT

That Magazine We Told You About

Some while back we recommended a newly launched ecumenical journal of theology, *Pro Ecclesia*. True, it is not for everybody, but those with serious theological interests should not overlook it. *Pro Ecclesia* is definitely living up to its promise. Here, for example, are just a few items from one recent issue.

Robert Jenson, a Lutheran, ponders a document that came out from Rome a while back, "Some Aspects of the Church Understood as Communion." The document was much deplored by some Christian churches and communions who saw it as a sign that the Holy See was lowering the ecumenical flag. Jenson thinks there just may be something like "ecumenical retrenchment" on the part of Rome and offers two speculations as to why this might be the case:

"Speculation the first. Roman authorities are shepherds of a worldwide flock, embracing three-quarters of all Christians, the integrity of which is as threatened amid collapsing modernity as is that of any local Protestant congregation. Within their own flock they are confronted by a remarkable efflorescence of false teachings and practical schism. Ecumenical dialogue is with those by definition in schism, amongst whom can be found any imaginable dubious teaching. It has been Rome's assignment to seek ways to combat internal protestantizing without thereby raising new walls between itself and external Protestants. It would not be surprising if Rome had become weary in this

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particular well-doing.

"Speculation the second. It is reported that high Roman authorities feel betrayed by their ecumenical partners. They risked much by taking the dialogues seriously, and now find that when it comes down to it, the Lutherans and others are as immovable as Rome was once supposed to be. I cannot myself testify for or against the accuracy of such reports. But I can testify that if such a temper does exist in the Vatican it has considerable justification."

Then there is Carl Braaten, also a Lutheran, who worries about the new general secretary of the World Council of Churches (WCC), Konrad Raiser, a German Lutheran professor of theology. According to Raiser, the ecumenical movement in this century has been too wedded to what he calls "christocentric universalism." Raiser offers a "new paradigm," presumably made necessary by the encounter between world religions, in which Christ and the mission of the Church are, to put it perhaps too simply, just one way of salvation among many others. In addition, says Braaten, Raiser betrays a definite penchant for weakening the theologically serious "faith and order" part of the WCC in favor of "life and work"—a mishmash of social, political, and economic programs aimed at the "systemic transformation" of this vale of tears. Braaten detects some vibrant orthodoxy, however, in the Faith and Order department of the WCC and expresses the hope that its work will not be subverted by "Konrad Raiser's new ecumenical paradigm."

What a terrible mess all the churches have gotten themselves into over the question of "inclusive language" in Bible, worship, and theology. "Reader Competence and the Offense of Biblical Language" is Christopher Seitz's contribution in this issue of *Pro Ecclesia* toward a measure of clarity. The author, who is professor of Old Testament at Yale, makes short shrift of the complaint that the Bible depicts God as male (contra Mary Daly, who in a not atypical descent into silliness, declared, "If God is male, male is God"). The real problem, says Seitz, is a loss of reader competence with respect to the Bible, or what the late Hans Frei called the "eclipse of biblical narrative." People do not know the Bible and, even if they do, refuse to take it on its own terms. Here is Seitz: "In a prior day both men and women felt the sharp distance between God and humanity, and gave thanks that God was God and not man (or woman), because God could save and deliver in ways that we cannot. The man who hears of God's raising his only Son from the dead identifies neither with God nor with Jesus, except as a grateful recipient of the same unearned love and justice, from this God whom humans address as 'he' when they speak of him, 'you, thou' when they speak to him. The female child of an alcoholic father is right to object that God is not her father; God is her heavenly Father whose justice condemns the abuse she has suffered and whose mercy extends forgiveness only to the penitent."

Instead of placing ourselves within the world of the Bible, there is today a tendency to put the Bible in its place. Seitz again: "The Bible will not become 'inclusive' by 'sanitizing' all references to God as 'he.' Rather, it will become merely humanized in the worst sense of the word: its authority will no longer reside in the sheer force of its presentation, but rather in the authorization strategies of whatever group—on the left or on the right—is in power. Multiplying possible images for God by reflecting on our human experience rather than the biblical text is the worst sort of consumeristic mentality, whereby more brand names, more channels, more options are better than less—expecially when we get to do the choosing." The upshot of all this, says Seitz, is that, instead of trying to sanitize and correct the Bible, we must "learn to become competent readers again of a Scripture whose intention is not only to include, but to address and judge and cleanse and save."

In the same issue is Michael Wyschogrod, one of the most penetrating Jewish theologians of our day. He addresses, of all things, the Incarnation. Christians point at a specific human being and say, "Here is God." It is a great scandal to Jews—and to Muslims, and, it must be said, to many Christians. During centuries of hostility and suspicion between Jews and Christians, some Jews reacted to the Christian doctrine by proposing that God is, only and exhaustively, spirit—entirely untouched by any corporeal or spatial impingement upon his being. But surely that cannot be right from a Jewish perspective, says Wyschogrod. He notes that there is something like an incarnational dimension in the Jewish understanding of God's relationship to the temple and, most particularly, to His elect people, Israel. It is an engaging argument of many parts. Wyschogrod ends with this: "I advance the thesis that were Jews to disappear from the world, Christianity would disappear. This is because Christianity is the gathering of peoples around the people of Israel, the entry of the adopted sons and daughters into the household of God. Through the Jew Jesus, when properly interpreted, the gentile enters into the covenant and becomes a member of the household, as long as he or she does not claim that his or her entrance replaces the original children. This, of course, is the doctrine of supersession. The church long has taught that election of the church is at the expense of Israel. Israel was elected until it rejected Jesus. At that point the election of Israel goes over to the church and the church is now the new Israel with the Old Israel out in the cold. The new Christianity, I think, that is growing before our eyes, no longer sees it that way. It sees, based on Romans 9-11, that the promises of God are irrevocable, that the election of Israel

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remains in full force, and around it the Gentiles have gathered in solidarity with the Jewish people, worshiping the common God of Israel and the gentiles." Then comes the hard question dividing Christians and Jews: When Jews recognize Jesus the Jew as Messiah and Son of God does that mean the disappearance of Jews or the fulfillment of Jews? Wyschogrod does not address that question in the present article, but we have no doubt that he has an argument pertinent to it.

Finally, and while we're at it, Mark Noll of Wheaton College comments on the work of Ronald Thiemann, dean of the Harvard Divinity School. Thiemann has collected some essays in a book titled *Constructing Public Theology*, and Noll thinks it's pretty good, as far as it goes. The problem is that, as with so many academics, Thiemann deals with his proposal as though it were an ethereal idea unrelated to what is actually going on around us. Noll writes: "Thiemann's circle of significant others seems to be made up of twentieth-century academic theologians, but, with the exception of Barth, this circle does not provide much help for shaping a distinctly Christian public theology. Beyond that circle, however, a great deal of thought-provoking, if also mutually contradictory, public theology has been appearing. Speeches at Notre Dame by Catholics Mario Cuomo and Henry Hyde, and in 1992 by Southern Baptist presidential candidate Bill Clinton, show that those who cannot escape the pressing demand to act are capable of sophisticated public theology. Richard Neuhaus provides public theology each month in *First Things*, and with a punch. Glenn Tinder (*The Political Meaning of Christianity*, 1989) and James Skillen (*The Scattered Voice: Christians at Odds in the Public Square*, 1990) offer public theologies built on different expressions of historic Protestantism. In his book on religion and the 1988 presidential campaign, *Under God*, Garry Wills actually practiced the sort of 'thick description' of religion in public life that Thiemann calls for. And Thiemann fails to speak of Alan Boesak from South Africa, John Paul II and the theoreticians of Solidarity, along with a host of Latin Americans—all of whom are accomplishing the task, however variously, for which Thiemann appeals. It is much to be hoped that, as Thiemann continues his altogether laudable quest for a public theology, he will sift the contributions of these practicing—as opposed to merely theoretical—public theologians to stimulate his own worthy efforts."

All that, and more, in just one issue of *Pro Ecclesia*. It bills itself as "A Journal of Catholic and Evangelical Theology," and, for a somewhat specialized and scholarly publication, it has an encouraging number of subscribers. But, in our view, the more people who pay attention to serious theology, the better for our religious communities and the better for our society, so we hope others will consider subscribing. Some readers may recognize names mentioned above as authors appearing also in these pages. Is there a conspiracy? You are blessedly right there's a conspiracy and we're grateful to be part of it. *Pro Ecclesia* is published quarterly and a subscription is $25. To subscribe or get more information, write P.O. Box 327, Delhi, NY 13753.

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Religion in Labor

Our friend, Msgr. George Higgins, is one of the last, maybe the last, of a breed called "labor priests." He has now written a memoir, *Organized Labor and the Church: Reflections of a "Labor Priest"* (Paulist Press), and in it he reflects on, among many other things, the 1980s dustup with the Institute on Religion and Democracy (IRD), a Washington organization that this writer helped to get going. In the mid-1980s, says Higgins, the AFL-CIO and a number of liberal religious groups, Christian and Jewish, took on the ambitious task of reviving the religion-labor coalition of earlier decades. The price of cooperation from liberal Protestants, it soon turned out, was that the AFL-CIO should condemn IRD and discipline one of its own staff, a Methodist layman, who was active in IRD.

"While I had no particular affection for the IRD," writes Higgins, "I also had no desire to enter into a coalition on the basis of quid pro quo demands. It seemed to me that this way was doomed to failure, one reason being that two can play at that game. Suppose that the AFL-CIO had entered the dialogue saying, 'Look, we can't deal with you. Look at the wage rates in your church office. Do you have a union there?' I would guess that the clerical staff in agencies represented by these church officials were not organized. In the game of quid pro quos, I could picture a hard-headed unionist telling his religious counterparts, 'Well then, get out. When your people are organized, we can talk.' That would be ridiculous, of course, but perhaps no more so than the demands issued by some on the religious side of the table." After seeing the way in which the religious groups tried to manipulate the AFL-CIO and treated with contempt its president, Lane Kirkland, Higgins writes, "I decided that my life was too short to play along with this sort of dialogue between religion and labor."

Organized labor has come upon hard days, as everyone knows. As recently as 1960, nearly a third of American workers were in unions. Now it is 17

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percent (11 percent in nongovernmental jobs). Whether unions are needed or ever were needed is a topic hotly disputed. We believe that unions—especially when they were responsive to the understanding of unionism espoused by the likes of George Higgins—often did a great deal of good. Of one thing we are sure. At the height of the Cold War, the AFL-CIO, under George Meany and then Lane Kirkland, knew whose side it was on.

There are innumerable books on whatever happened to liberalism, and there will no doubt be many more. But one of the great divisions in liberalism was that between organized labor and the churches that were the heirs of the social gospel movement. Possibly more than it knew at the time, IRD played a critical role in that division. The division was forced by the intolerance of the churches most proud of their tolerance, who demanded conformity to an ideological agenda much more rigorously than did the leaders of organized labor. It is a not unimportant footnote in the history of the last three decades of the self-inflicted damage in oldline Protestantism.

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REINFORCING A MINDSET

"Natural Adversaries or Possible Allies?: American Jews and the New Christian Right" is a 58-page study by Naomi W. Cohen, issued by the American Jewish Committee. It comes down solidly on the side of their being natural adversaries. Which strikes us as very wrongheaded. Also unfortunate is that, for all the helpful information included, the study deals almost exclusively with the early years of the emergence of what came to be called the Christian Right. One has the impression that it could have been written fifteen or more years ago.

A growing number of Jewish writers deplore the fact that, for most American Jews, it is more important to be liberal than to be Jewish. At this year's Salute to Israel parade in New York, a gay and lesbian group was excluded. The Reform wing, represented by the Union of American Hebrew Congregations, found itself in a dilemma. They decided to march in a separate parade organized by the gays and lesbians. A Reform rabbi remarked, "They had to choose between their allegiance to Israel and their allegiance to the gay lobby. They chose the gay lobby. It is very sad."

It is very sad. For many Jews, it seems, almost nothing takes priority over being perceived to be properly liberal. "Natural Adversaries or Possible Allies?" will, regrettably, reinforce what appears to be a widespread Jewish paranoia about "the Christian Right," encouraging American Jews to be against whatever conservative Christians are for, whether or not it is good for Jews or good for the country. The number of Jews who are dissenting from this mindset is encouraging. "Natural Adversaries or Possible Allies?" makes clear that they have their work cut out for them.

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PREJUDICES REEXAMINED

Some while back we remarked that *The Journal of Church and State* is, despite its considerable merits, marred by a tendency toward anti-Catholicism. A bunch of letters, giving the appearance of a concerted response, protested our characterization. We admit that we might have dwelt in a more fulsome fashion on the merits of the journal, but we will stand by what we said. *JCS* typically takes a "strict separationist" view of the First Amendment religion clause, sometimes extremely strict. On a number of specific policies, notably parental choice in education, and, more important, on principles regarding the right ordering of religion and public life, *JCS* is usually and sometimes harshly opposed to the position of the Catholic Church. Over the years, *JCS* has run items suggesting that the Catholic Church is a laggard in advancing religious freedom, if it is not among the major threats to religious freedom.

At the time that the letters of protest were coming in, the current issue of *JCS* arrived. It contains a long article by a Ralph Della Cava of Queens College, New York, "Financing the Faith: The Case of Roman Catholicism." Beginning from the dubious premise that "religions are about thinking and spending," the author depicts the Holy See as being involved in a somewhat sinister strategy of advancing its reactionary program of "Restoration" against the interests of "the progressive church" in Third World countries. The Pope and Cardinal Ratzinger are attempting to impose "ideological conformity" on the whole Church—and so the tediously familiar caricature goes on. The author cites numerous liberationist sources as authority, including the late Penny Lernoux, a notorious master of Marxist agitprop.

But is this article anti-Catholic? It is certainly anti-John Paul II and this pontificate, and, at least by implication, anti those who support the direction advanced by this pontificate. Admittedly, it is not hard to find Catholics who claim that opposing "the official church," especially under this Pope, is to

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affirm the real church—what Mr. Cava calls "the progressive church." The editors of *JCS* might protest that it is not possible for such Catholics to be anti-Catholic, but we trust they are not so innocent as that. The question of who is really pro-Catholic and who is really anti-Catholic can and does degenerate into a rather tired intramural game.

In the most obvious and generally agreed sense, the Catholic Church is the constellation of communities and institutions led by the bishop of Rome and those bishops in communion with the bishop of Rome. *JCS* frequently evidences suspicion and sometimes hostility toward that Catholic Church. This is said in awareness of the fact that some good friends are editorially associated with *JCS*. In our view, they should not disassociate themselves from the journal, but should use their influence to alert its editors to subtle and not so subtle varieties of anti-Catholicism. They might begin, for instance, by asking what purpose pertinent to church-state relations is served by publishing "Financing the Faith: The Case of Roman Catholicism."

FT

Up to Dissent

Moral theologian Richard McCormick, distinguished for his dissents from magisterial teaching, offers an overview of the twenty-five years since the encyclical on human sexuality, *Humanae Vitae*. Responding in *America*, two other Jesuits, Kevin Flannery and Joseph Koterski, dissent from McCormick's dissent. In the course of making a number of effective criticisms, Flannery and Koterski suggest, in passing, that a couple who use Natural Family Planning (NFP) to avoid conception throughout their fertile years would be in a moral position comparable to that of a couple who used artificial contraception. Ignoring some of their more substantive points, McCormick pounces on this, accusing his critics of being "guilty of a serious theological blunder."

He cites two statements by Pius XII in the 1950s supporting the position that in exceptional circumstances, if there is a grave or serious "proportionate motive," a couple may use NFP throughout their marriage in order to avoid conception. The ploy here would seem to be: "Pius XII, Si; Paul VI, No." In fact, and as he surely knows, McCormick's approval of contraception flies in the face of the consistent and emphatically repeated teaching of five popes (from Pius XI through John Paul II). His attempt to play the popes off against one another makes dissent appear to be intellectually frivolous, which regrettably, much of it is.

As is evident in John Paul's recent encyclical, *Veritatis Splendor*, the Catholic Church is well aware that it must more persuasively present its moral teaching, both to its own people and to the world. Serious agreement and serious dissent should both be marked by *gravitas*. Catholic theologians who have questions about the teaching owe the Church, themselves, and their colleagues something more than liberal posturing and point scoring in intramural debates. There is a measure of dignity to dissent, as is suggested in the instruction from the Congregation for the Doctrine of the Faith, "The Ecclesial Vocation of the Theologian."

Careful questioning and scholarly inquiry are essential to better formulating and communicating the Church's teaching. Unfortunately, many who are called dissenters are intellectual poseurs, publicists, and entrepreneurs of discontent. This was notoriously evident in the immediate reaction to *Humanae Vitae* twenty-five years ago when, as is now well known, numerous theologians publicly declared their dissent without having even read the document from which they were presumably dissenting. It made for spectacular press, but dissent is serious business. One is almost inclined to suggest that for the Catholic theological establishment—and perhaps for other theological establishments as well—a motto worth considering might be: Up to Dissent.

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Ramsey on Acts and Rules

Westminster/John Knox Press continues to render distinctive service by bringing classics back into print in its "Library of Theological Ethics." More than forty years after it first appeared, Paul Ramsey's *Basic Christian Ethics* (402 pp., $14.99 paper) is about as good a place as any to begin one's study of the subject. And it is by no means only for beginners, for most of the questions addressed by Ramsey are still in hot dispute. This edition is graced with an excellent foreword by Stanley Hauerwas and Stephen Long that puts the present book into the setting of Ramsey's larger project and relates it to the projects of others in the recent history of Christian ethics.

Ramsey, a United Methodist, was in energetic conversation with a wide array of colleagues and critics, including the late Joseph Fletcher, father of

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the downmarket relativism that came to be called "situation ethics." Love was the big word, sometimes the only operative word, for Fletcher and his like who trivialized Augustine's maxim—"Love God and do as you will"—in the service of moral license. The distinction between three forms of love (eros, philia, and agape) was deemed more important thirty years ago than it is now, and agape—pure, disinterested regard for the other—was treated as the highest form of love. The foreword of the present book includes a 1965 letter from Ramsey to Fletcher:

"[T]he candid issue between us is whether agape is expressed in acts only or in rules also, which question is generally begged; or else the structures in which human beings live are attributed to other than uniquely Christian sources of understanding (natural law, etc.) while Christians go about pretending to live in a world without principles. The latter was about my position in *Basic Christian Ethics*. I have come to see that agape can also be steadfast."

What a magnificent phrase—"agape can also be steadfast." More than thirty years after that letter, Ramsey's achievements included pioneering work in medical ethics and an almost singlehanded (at least among Protestants) renewal of just war theory. The ongoing exploration of theological ethics sponsored by the Institute on Religion and Public Life is named, in his honor, the Ramsey Colloquium. The technical term most commonly associated with Ramsey's work is "deontological ethics." It might be said more simply and accurately that Paul Ramsey devoted his remarkable life and work to making agape steadfast.

FT

A Word for Commercializing Christmas

All should be braced for this year's round of campaigning against the commercialization of Christmas. Last year the National Council of Churches (NCC) got a broad array of religious leadership types to sign on with a "Campaign to Take Commercialism Out of Christmas." (There was nothing in the statement about replacing commercialism with Christ.) Pastor Leonard Klein of Christ Lutheran Church in York, Pennsylvania, wrote to the NCC, and his complaint seems entirely pertinent a year later. "I detect [in the statement] spiritual arrogance in a kind of snobbish hostility to the simple pleasures people get in buying, giving, and receiving. I see no sympathy toward the instinct of generosity nor any real appreciation of the genuine blessing of material prosperity. Advertisers and merchants are demonized, and their legitimate economic vocations are demeaned. Your message reads as if you were afraid somebody will have some fun or make some money, and this when the nation is coming out of a recession and anybody with any sense is cheered by the signs of consumer confidence! Will anybody, rich or poor, really be better off if the stores come out of the Christmas season awash in red ink?

"Moreover, in appealing for altruism you simply overlook the fact that an enormous amount of charitable giving, major or minor, takes place in this last month of the year. Concern for the poor and unfortunate is never at a higher peak than now." In addition to casting a pall over some very human and humanizing behavior, says Klein, the religious leaders seem to be at a loss about the significance of Christmas once commercialism has been removed. "But this is not the worst of it. After an excess of outrage against the hazards of commercialism, this statement by church leaders offers no other Gospel to those it has condemned than phrases like these: 'the spirit of Christmas,' 'making Christmas real,' 'invest in renewing our own spirits, our relationships, and our natural environment,' and 'the spiritual and life-affirming potential of the season.' Great balls of fire! The most you can affirm is the same meaningless jargon that is readily used by the very merchants, advertisers, and media you condemn. What about the baby Jesus?

"Christmas is about the birth of Jesus of Nazareth, the incarnation of the second Person of the Holy Trinity. Of this there is not one word, literally not one word, in the statement of the Campaign to Take Commercialism Out of Christmas." Believing that when people are truly serious they can afford to lighten up, Pastor Klein told the NCC that he was going to preach on advent during Advent. "And then a little later in the season I'll pour some brandy in the egg nog and give my daughter that REM tape she's been wanting and have a merry Christmas — in honor not of my moral sensitivity but of the birth of Mary's boy."

FT

While We're At It

■ NARTH stands for the National Association for Research and Therapy for Homosexuality. It's an organization that many in the prestige media tell us

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should not exist. NARTH is an association of some 200 therapists, psychoanalysts, social workers, counselors, and other mental health professionals who contend, on the basis of homosexual patients with whom they work, that 25 to 30 percent are completely "cured" and many more significantly benefit from therapy. The group recently held its national meeting in Encino, California, where Joseph Nicolosi, one of the founders, said that, because of stigma and censure from peers, many psychotherapists who agree in principle with NARTH have "stayed in the closet." "This group is not politically correct," he candidly admitted. Meanwhile, at Asbury Theological Seminary in Wilmore, Kentucky, over 500 representatives from more than 40 regional ministries participated in a meeting of Exodus International, an organization that helps homosexuals to liberate themselves from "the gay lifestyle." Gay critics, of course, claim that groups such as Exodus and NARTH need to be liberated from their "homophobia." Thus do the meanings of freedom continue to contend.

■ There is a trickle-down theory of ideas that holds intellectuals responsible for the thought that eventually corrupts the populace. Without discounting that theory, one must also keep in mind the capacity of popular culture to produce its own corruptions. For instance, the advice columns written by two 75-year-old twin sisters who have for decades been a source of moral wisdom for millions of Americans. The Friedman sisters, Ann Landers and Abigail Van Buren ("Dear Abbie"), are syndicated in thousands of newspapers and have mastered the trick of helping people feel good about going with the drift. Not for them is the more reflective counsel of Judith Martin (who writes as "Miss Manners"; see her essay "The Oldest Virtue," FT, May 1993). This from a *New York Times* profile of Ann Landers: "She could be an anachronism, this great-grandmother with the teased blond hair and perfect nails giving advice to gay couples trying to adopt or teenagers packing condoms for the prom. But she has allowed it. She says she has never had a drink or smoked a cigarette, but she holds thoroughly modern and mostly liberal views on the issues of the day. She supports a woman's right to an abortion, is against the death penalty and corporal punishment, is not in favor of adopted children digging up their biological parents against their wishes, and believes that Dr. Jack Kevorkian and the incurably ill people who turn to him for painless deaths should be left alone. She has a firm set of morals, but she is practical. She encourages young people to wait until marrage before they have sex, but she knows better. 'It's marvelous if you can hold out, but very few people can do that these days,' she conceded." In sum, keep your ideals but do what you want. "She has a firm set of morals, but she is practical." That says it nicely. Don't let morality get in the way of real life. While many moral philosophers arrive at the same conclusion after much intellectual effort, the popularity of such as Ann Landers reminds us that their labors are not necessary to perpetuating the maxims by which most people have lived since that unfortunate afternoon in the garden.

■ Perfect we never claimed to be. For instance, in connection with J. Budziszewski's fine article, "The Illusion of Moral Neutrality" (August/September 1993), we should have noted that it drew on themes developed in his book *True Tolerance*. More particularly, we should have said that the book is published by Transaction, and we are sorry for that inadvertent omission since Transaction is one of the feistiest publishers around. Irving Louis Horowitz, publisher of Transaction, brought the omission to our attention, and we are grateful. As for perfection, that awaits another day that is really other.

■ Baobab Press (the baobab is an African tree) is run by the Information Project for Africa. Elizabeth Sobo is a project researcher who has dug into the extraordinarily complicated entanglement of the U.S. government with population control programs all over the world, some of them exceedingly coercive and exploitative of the poor. Reading her studies, even those who are least given to conspiracy theories may begin to sympathize with Third World protests that population control is a vast conspiracy of Western countries, especially the U.S., against the less-developed peoples of the world. For more information, write Ms. Sobo at Information Project for Africa, P.O. Box 43345, Washington, D.C. 20010.

■ A couple of items from *Sisterlife*, the publication of Feminists for Life. An outfit called TurboGrafix 16 has a video game called "Slaughterhouse." The sixth level is named "The Womb." There little babies in amniotic sacs float toward the hero, who must slay them because they will "jump on your back if you let them live," according to the game book. *Sisterlife* comments: "At last, a toy that isn't based on gratuitous violence but points kids toward a profitable career." Then there is a report from Bonnie Shullenberger (a contributor to First Things) who is teaching in Uganda. She saw a new play by Uganda's leading young playwright, Alex Mukulu, titled "Excuse Me, Muzungu" ("Muzungu" is a term for Europeans). In one scene a very proper white woman scolds several black men, "Why don't you take responsibility for all the children you father?" A black man responds, "Excuse me, Muzungu! Where are the fathers of the all the babies you abort?" That might be called multiculturalism with a twist. (For information on subscribing to *Sisterlife*, write 811 E. 47th Street, Kansas City, MO 64110.)

■ If we had a "no comment" department, we would put it there. *The New Republic* put it under the title,

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"Somewhat Late Intervention." The "it" in question is Senator Edward Kennedy's statement at a news conference in support of the "Gender Equity in Education Act," which is aimed at curbing sexual harassment in schools. Senator Kennedy said: "You have first, second, and third grade harassers. You have kindergarten harassers. We're reaching out and identifying them at the earliest grades, disciplining these individuals. As with every aspect of health care, early intervention can have a big impact."

■ Cristina Traina teaches religion at Northwestern University and reviews Rosemary Radford Ruether's *Gaia and God: An Ecofeminist Theology of Earth and Healing*. Writing in the *Christian Century*, Traina says, "Ruether's suggestions for advancing this larger common good are many: eat less meat; design towns and cities in which residences, jobs, and necessary goods and services are within walking distance; develop self-sufficient regional industries and agriculture; and abandon patriarchy and become committed to earth healing." OK, we got that, anything else? Traina: "Though Ruether's Christian ecofeminism may stand on shifting ground and yield no new strategies, this book presents her theology at its most ambitious. . . . [She] proves that in the proper hands the movement for earth renewal is not a threat to genuine Christianity but a comprehensive tool for a necessary overhaul of Western theology." In the absence of a rock, it appears that shifting ground will have to do.

■ Frank Schaeffer—novelist, movie producer, indefatigable promoter of publicly potent Christian faith, evangelical Protestant turned Eastern Orthodox, and son of Francis Schaeffer—is again publishing *The Christian Activist*, now subtitled "A Journal of Orthodox Opinion." It is a thick publication in newspaper format, and contains a lot of solid reporting and commentary. Those interested may obtain it free by writing The Christian Activist, P.O. Box 740, Mount Hermon, CA 95041.

■ The human mind is a mystery that much of contemporary science wants to reduce to the study of the mechanics of the brain. But it is generally acknowledged that the more we know about the brain the less we know. And what we know keeps directing us back to the mind and perhaps to Mind itself, which reflection persistently draws our thought to You Know Who. Such were our ponderings when encountered by Peter D. Kramer's book on the use of antidepressant drugs and "the remaking of the self" (*Listening to Prozac*, Viking). One of the pharmacologists who developed Prozac, the drug in question, put it this way: "If the human brain were simple enough to understand, we would be too simple to understand it."

■ A number of readers have asked about James Andrew Miller, who wrote "Other Plans: Journal of an Illness" in the March 1993 issue. His brother Paul informs us that James died on July 15 and was buried in the family plot at Martins Creek Mennonite Church, near his childhood home in the countryside between Millersburg and Berlin, Ohio. With a strong faith in God and love for others, he died in the confidence that there were other and better plans for him.

Sources: Judy Mann on children of Rio de Janeiro and Pope John Paul II, *Washington Post*, August 11, 1993. Randall Balmer review of Hunter's *Culture Wars* in *Evangelical Studies Bulletin*, Spring 1993. *New York Times* editorial on judicial appointments and abortion, September 21, 1993. Archbishop Stafford paper on celibacy in *Origins*, September 2, 1993; A. W. Sipe on Stafford in *National Catholic Reporter*, July 2, 1993. On Richard McCormick and *Humanae Vitae* debate, *America*, September 25, 1993.

WHILE WE'RE AT IT: On medical cures for homosexuality, *National and International Religion Report*, September 20, 1993. Profile of Ann Landers, *New York Times*, June 10, 1993. Senator Kennedy on the Gender Equity in Education Act, *New Republic*, October 4, 1993. Cristina Traina review of *Gaia and God*, *Christian Century*, June 2-9, 1993.

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Hearing the Rain on a Skylight

Late at night, splashing my face and neck,
through sounds of water running
I hear cruel cuts
like pencil points fine sharpened
snapping against a smooth white page.

Quick rinsing, covered now
and tense, all stiff,
peering alarmed from broken privacy,
I for a moment harden,
with not one clue,
against the senseless cutting,
like a writer stopped mid-page,
again, again,
pulled meanly up by pencil snaps
that break the flow of words.

Then looking up I hear the rain
and see the skylight dark and clear,
with brilliant heavy drops, like lovely marbles
bouncing free and poured all with delight,
dozens at once,
from some delighted young boy's store.

All stiffness melts
as sounds of that night's rain
come to my hearing not to cut,
or stop, snap, break,
but only to delight,
to enter soften pull
toward freshness of a wide wet night
outside my own small washing.

Clean, uncovered now,
I lie beneath the skylight
full of fullness,
as a writer full of story
leans to a clean white page,
dozens of sharpened pencils
ready at his hand.

Kathleen B. Nielson

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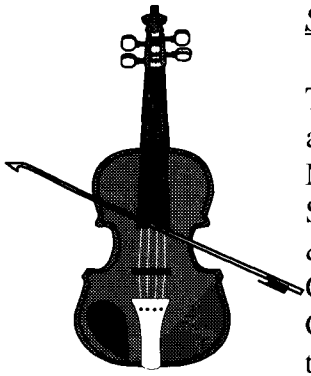

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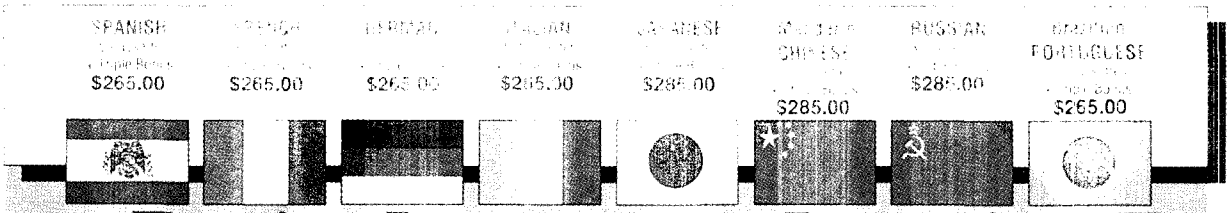

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